

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of:

Siren Retail Corp. d/b/a  
Starbucks,

Case No. 19-CA-290905

Employer,

and

Workers United, affiliated with  
Service Employees International  
Union,

Charging Party.

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Place: Seattle, Washington

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UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19

In the Matter of:

SIREN RETAIL CORP. D/B/A  
STARBUCKS,

Employer,

and

WORKERS UNITED, AFFILIATED WITH  
SERVICE EMPLOYEES INTERNATIONAL  
UNION,

Charging Party.

Case No. 19-CA-290905

The above-entitled matter came on for hearing, pursuant to notice, before **JOHN T. GIANNOPOULOS**, Administrative Law Judge, at the National Labor Relations Board, 2948 Jackson Federal Building 912 Second Avenue, Seattle, Washington 98174, on **Thursday, September 15, 2022, 9:02 a.m.**



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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Melissa Slabaugh	41	84, 91		127, 133	123
Keanna Jo Lesser	139				

E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**Joint:**

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**Respondent:**

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**General Counsel:**

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1                                    P R O C E E D I N G S

2            JUDGE GIANNOPOULOS: Good morning, everyone. We're back  
3 on the record in the matter of Siren Retail Corp. d/b/a  
4 Starbucks, case number 19-CA-290905. The parties are working  
5 on some potential stipulations, and other preliminary matters,  
6 so we'll go back off the record until they're done with that.  
7 And so let's go off the record.

8            (Off the record at 9:02 a.m.)

9            JUDGE GIANNOPOULOS: Okay, we're back on the record.  
10 Before we go on with introducing potential stipulations and  
11 exhibits, et cetera, let's just do a quick roll call and see  
12 who's with us today. For the General Counsel.

13           MS. MCBRIDE: Sarah McBride, Counsel for General Counsel.

14           JUDGE GIANNOPOULOS: Okay. And I saw Ms. Garfield here  
15 earlier.

16           MS. MCBRIDE: Yes.

17           JUDGE GIANNOPOULOS: Has she just stepped away?

18           MS. MCBRIDE: She stepped away to work on the -- the  
19 exhibits that will be forthcoming if they support the  
20 stipulations.

21           JUDGE GIANNOPOULOS: Okay. And for the Charging Party,  
22 Union.

23           MR. BERGER: Ben Berger, on behalf of Charging Party,  
24 Workers United.

25           JUDGE GIANNOPOULOS: Okay. And for Siren Retail.



1 MR. DILGER: Jeffrey Dilger, Littler Mendelson, for  
2 Respondent, Siren Retail.

3 MS. SAADE: I'm Renea Saade with the same law firm for the  
4 same Respondent.

5 JUDGE GIANNOPOULOS: Okay, great. So Ms. McBride, you had  
6 some potential stipulations you wanted to enter into evidence,  
7 or other joint exhibits.

8 MS. SAADE: Oh, Your Honor, before we do that, would you  
9 like us to introduce our corporate rep?

10 JUDGE GIANNOPOULOS: Yeah, I thought at some point I'm  
11 going to ask for, I'm assuming someone's going to make a motion  
12 for a sequestration, and then I'll do it at that time.

13 MS. SAADE: Perfect.

14 JUDGE GIANNOPOULOS: Thank you. Yeah.

15 MS. SAADE: Thank you.

16 MS. MCBRIDE: Yes, Your Honor, the parties have reached a  
17 set of limited stipulations that all parties have signed. I  
18 have one copy marked as Joint Exhibit 1 that has the ink  
19 signatures of everybody. I have additional copies to  
20 distribute that do not have the signature.

21 JUDGE GIANNOPOULOS: Okay. So why don't you hand a copy  
22 of that to the court reporter, and make sure everyone else has  
23 a copy of it. All right. So Joint Exhibit 1 is received.

24 **(Joint Exhibit Number 1 Received into Evidence)**

25 MS. MCBRIDE: Your Honor, Joint Exhibit 2 is a single-page

1 color copy of a Facebook post that was referred to in the  
2 stipulations.

3 JUDGE GIANNOPOULOS: Okay. Why don't you hand that  
4 around.

5 MS. MCBRIDE: And that is the color page.

6 JUDGE GIANNOPOULOS: All right. Joint Exhibit 2 is  
7 received.

8 **(Joint Exhibit Number 2 Received into Evidence)**

9 MS. MCBRIDE: Your Honor, General Counsel has prepared a  
10 copy of the petition, RC petition, referred to in the  
11 stipulations.

12 JUDGE GIANNOPOULOS: Okay.

13 MS. MCBRIDE: We are currently working on getting copies  
14 of all of the supporting R case documents. Now, the R case is  
15 not at issue here. We do understand there will be some  
16 testimony, likely from all witnesses, that refer to an election  
17 given the nature of this proceeding. So for the completeness  
18 of the record, our proposal is to put those documents into  
19 evidence. However, if the stipulations suffice, we don't need  
20 to move those R case exhibits into evidence. So however you  
21 wanted to proceed with the record.

22 JUDGE GIANNOPOULOS: It's your case, General Counsel.

23 MS. MCBRIDE: Okay. Then we would put the R case petition  
24 in as Joint Exhibit 3, and then leave it at that. The rest are  
25 in the --



1 JUDGE GIANNOPOULOS: Okay.

2 MS. MCBRIDE: -- the stips. This has now been marked.

3 MR. DILGER: The Respondent has no objection to the  
4 inclusion of the petition as Joint Exhibit 3.

5 JUDGE GIANNOPOULOS: Okay. Yeah, I'm assuming all the  
6 joint exhibits are agreed to by Respondent and the Union; is  
7 that correct, Mr. Berger?

8 MR. BERGER: That is correct.

9 JUDGE GIANNOPOULOS: Yeah. That's -- that's -- that's the  
10 name "joint".

11 MS. MCBRIDE: And the stip we did early in R case in an  
12 effort to not overburden the record if they do become, for some  
13 reason, relevant to have, we can put them into evidence.

14 JUDGE GIANNOPOULOS: Sure. I -- I'm not concerned about  
15 this record being overburdened.

16 MS. MCBRIDE: Great.

17 JUDGE GIANNOPOULOS: It's not -- in any event. All right.  
18 Are there any other preliminary matters that we need to  
19 discuss? General Counsel?

20 MS. MCBRIDE: Not from me.

21 JUDGE GIANNOPOULOS: Any motions from the parties?

22 MS. MCBRIDE: The General Counsel would move for a  
23 sequestration order.

24 JUDGE GIANNOPOULOS: All right. Are there any objections  
25 from the Union or Respondent? Mr. Berger?

1 MR. BERGER: Not from the Union, Charging Party.

2 JUDGE GIANNOPOULOS: Mr. Dilger, from Respondent?

3 MR. DILGER: Not from -- no.

4 JUDGE GIANNOPOULOS: Okay. So I will issue a  
5 sequestration order. The General Counsel has made a motion  
6 that the witnesses be sequestered. That motion is granted.  
7 This means that all persons who are going to testify in this  
8 proceeding, with the specific exceptions I will tell you about,  
9 may only be present in the hearing room when they are giving  
10 testimony.

11 The exceptions are alleged discriminatees, natural persons  
12 who are parties, representatives of nonnational parties, and a  
13 person who has shown by party to be essential to the  
14 presentation of the party's case. These people may remain in  
15 the hearing room even if they are going to testify, or have  
16 testified.

17 However, alleged discriminatees, including Charging  
18 Parties, may not remain in the courtroom when other witnesses  
19 on behalf of the General Counsel, or the Charging Party are  
20 giving testimony about events to which the alleged  
21 discriminatees will be expected to testify. This rule also  
22 means that from this point forward until the trial is finally  
23 closed, no witness may discuss with other potential witnesses,  
24 either the testimony that they have given or that they intend  
25 to give. The best way to avoid any problems is simply not to

1 discuss the case with any other potential witnesses until after  
2 the hearing is completed.

3 Under the rule as applied by the Board with one exception,  
4 counsel for a party may not, in any manner, including the  
5 showing of transcripts, inform a witness about the content of  
6 the testimony given by a preceding witness without express  
7 permission from the judge. The exception is that counsel for a  
8 party may inform the counsel's own witness of content of  
9 testimony, including the showing of transcripts given by a  
10 witness for the opposing side to prepare for rebuttal of such  
11 testimony.

12 I expect counsel to police the rule and to bring any  
13 violations of it to my attention immediately. It's the  
14 obligation of counsel to inform potential witnesses who are not  
15 now present in the hearing room of their obligations under the  
16 rule.

17 So let's have each party designate forth on the record  
18 someone who they deem essential to the presentation of the  
19 case.

20 General Counsel, do you have anyone with you today?

21 MS. MCBRIDE: No, Your Honor.

22 JUDGE GIANNOPOULOS: How about you, Mr. Berger?

23 MR. BERGER: Other than myself, no.

24 JUDGE GIANNOPOULOS: Okay. You get to stay; you're the  
25 lawyer. Mr. Dilger?

1 MR. DILGER: Yes. The Company designates Mary Clare Barth  
2 as its representative.

3 JUDGE GIANNOPOULOS: Okay. Ms. Barth, welcome.

4 MS. BARTH: Thank you.

5 JUDGE GIANNOPOULOS: Okay. Very good. So if there are  
6 any witnesses, or potential witnesses, in the hearing room now  
7 is the time to leave. I'm not sure if there are, but -- and I  
8 think so. So let's go off the record. General Counsel, I'm  
9 assuming you have a room for them --

10 MS. MCBRIDE: Thank you, Your Honor.

11 JUDGE GIANNOPOULOS: -- they can stay there. So let's go  
12 off the record.

13 (Off the record at 9:40 a.m.)

14 JUDGE GIANNOPOULOS: All right. We're back on the record.  
15 Are there any other preliminary motions or matters we need to  
16 discuss? General Counsel?

17 MS. MCBRIDE: Your Honor, Respondent produced documents  
18 pursuant to subpoena just at the start of the hearing. I have  
19 not had an opportunity to review them. My preference would be  
20 to ask for a break, perhaps at lunch, to go through them, and  
21 address it then so that we can move forward. It's not needed  
22 at the beginning; I've taken just a very quick look through  
23 them.

24 JUDGE GIANNOPOULOS: Okay. So we're taking a lunch  
25 break --

1 MS. MCBRIDE: I haven't had --

2 JUDGE GIANNOPOULOS: -- everyone has to eat lunch --

3 MS. MCBRIDE: Right.

4 JUDGE GIANNOPOULOS: So we could -- if you're not asking  
5 for time now, then we'll move on and you can tell me it's  
6 lunch -- when it's time for a lunch break how much time you  
7 think you'll need.

8 MS. MCBRIDE: Yeah. If I could just have a few minutes  
9 now to -- to look though it?

10 JUDGE GIANNOPOULOS: All right. So why don't we take five  
11 minutes. You can look those over now --

12 MS. MCBRIDE: Thank you.

13 JUDGE GIANNOPOULOS: -- and tell me if you want to take a  
14 break now, or if you want to take a break at lunch?

15 MS. MCBRIDE: Thank you.

16 JUDGE GIANNOPOULOS: All right. Let's go off the record  
17 for a few minutes.

18 (Off the record at 9:43 a.m.)

19 JUDGE GIANNOPOULOS: All right. Back on the record.

20 General Counsel?

21 MS. MCBRIDE: Yes, Your Honor. General Counsel and  
22 Respondent had the opportunity to review the documents produced  
23 pursuant to subpoena, and there are two items that General  
24 Counsel would like to discuss. First, is -- is a document that  
25 was produced, which is a Facebook post that is in the record

1 now as Joint Exhibit 1. The complete post and -- and comments  
2 were requested pursuant to subpoena. They were also provided  
3 pursuant to subpoena. However, Respondent has said that what  
4 was provided is not authentic and is not complete, and  
5 therefore, can't -- this was a -- a sticking point with the  
6 joint exhibit discussions. But furthermore, General Counsel  
7 has a -- an -- an issue with what's being provided being  
8 described as incomplete and inauthentic. The Facebook post was  
9 made --

10 JUDGE GIANNOPOULOS: All right.

11 MS. MCBRIDE: -- by Elijah De La Vega, an admitted agent.

12 JUDGE GIANNOPOULOS: Okay. So have you subpoenaed Mr. De  
13 La Vega?

14 MS. MCBRIDE: We have not.

15 JUDGE GIANNOPOULOS: I mean --

16 MS. MCBRIDE: He's --

17 JUDGE GIANNOPOULOS: It's his Facebook page, right?

18 MS. MCBRIDE: It is his Facebook page in his post.

19 JUDGE GIANNOPOULOS: And there were -- and I'm assuming  
20 what was allegedly unlawful is in response to the post that's  
21 in General Couns -- or Joint Exhibit 2?

22 MS. MCBRIDE: The unlawful -- the alleged unlawful  
23 statements are in the comments to that post --

24 JUDGE GIANNOPOULOS: Okay.

25 MS. MCBRIDE: -- which General Counsel is prepared to put

1 in evidence through other witnesses today.

2 JUDGE GIANNOPOULOS: Okay. So -- so what?

3 MS. MCBRIDE: But --

4 JUDGE GIANNOPOULOS: So then bring those witnesses on,  
5 have them testify that they either saw the post, they read the  
6 post. The Company is not obligated to stipulate to what you  
7 want.

8 MS. MCBRIDE: No, Your Honor, but they are obligated to  
9 provide documents that are complete under their control --

10 JUDGE GIANNOPOULOS: Yes, and they did.

11 MS. MCBRIDE: -- authenticated.

12 JUDGE GIANNOPOULOS: They did do that. And so if you  
13 want -- if they're not willing to stipulate that, you can  
14 introduce the subpoena into the record. You can state for the  
15 record that these documents, meaning these posts that you're  
16 seeking to admit, were provided to you, pursuant to the  
17 subpoena by the Company. I'll turn around and I'll ask Mr.  
18 Dilger, did you provide these documents? Were they responsive  
19 to these subpoena paragraphs? He'll say, yes. I'll admit them  
20 into the record. I mean if -- if he says that -- that, you  
21 know, if they produced them, they're from their records. He  
22 doesn't have to make the stipulation, but we can do it that  
23 way. Either way.

24 MS. MCBRIDE: Thank you, Your Honor. We'll proceed that  
25 way.

1 JUDGE GIANNOPOULOS: Okay.

2 MS. MCBRIDE: And then we --

3 JUDGE GIANNOPOULOS: And then you get your witnesses and  
4 then they can testify as to whatever they want to testify  
5 about.

6 MS. MCBRIDE: Yes, Your Honor. The second item that we  
7 wanted to discuss on -- with the documents that were produced,  
8 there was a privilege log produced, and one of the items on  
9 there is an email of talking points from Respondent counsel to  
10 Mary Clare Barth at Starbucks. And the talking -- for the  
11 email that was provided, the talking points have been redacted  
12 as privileged. These are talking points that were to be  
13 disseminated to employees at a meeting. The talking points  
14 were then -- it appears from the redacted email the talking  
15 points were attached to an email that Mary Clare Barth sent to  
16 other employees of Starbucks.

17 And General Counsel, at the very least, requests, Your  
18 Honor, that you able -- are able to inspect the documents  
19 pursuant to the privilege log to verify that they are, indeed,  
20 privileged, because it is General Counsel's position that the  
21 talking points, which was in essence a script, or information  
22 to be communicated to employees, is not privileged by attorney-  
23 client privilege. And any such privilege, if it did exist, was  
24 broken when it was forwarded to other Starbucks employees.

25 JUDGE GIANNOPOULOS: All right, Mr. Dilger, what do you



1 have to say?

2 MR. DILGER: The talking points are my advice. Ms. Barth  
3 forwarded my advice, at my direction, to managers and  
4 supervisors so they could review and understand what the lawful  
5 bounds of communication were. They reviewed that. They did  
6 not read those talking points during the meetings. They were  
7 advisory in nature only.

8 JUDGE GIANNOPOULOS: And the people they were forwarded to  
9 are --

10 MR. DILGER: Supervisors and managers.

11 JUDGE GIANNOPOULOS: -- were supervisors.

12 And General Counsel, what do you say? That they were  
13 rank-and-file employees?

14 MS. MCBRIDE: Your Honor, General Counsel doesn't have  
15 evidence as to who these individuals are. We do see that  
16 they're Starbucks --

17 JUDGE GIANNOPOULOS: Do you have them? Let me take a look  
18 at them. Mr. Dilger, let me take a look at the email and see  
19 if they're --

20 MS. SAADE: The email, or the attachments, Your Honor?

21 JUDGE GIANNOPOULOS: Well, let's start with the email.

22 MS. SAADE: Yes. We'd prefer that because I think they  
23 have an obligation to do some sort of offer or proof that  
24 these --

25 JUDGE GIANNOPOULOS: Yeah, let's start -- let me just --

1 let's start with the email.

2 MS. SAADE: Thank you.

3 MS. SAADE: If I may, Your Honor?

4 JUDGE GIANNOPOULOS: Yes.

5 MS. SAADE: Just one more supplemental fact that I think  
6 is relevant. The attachments were marked confidential  
7 privilege.

8 JUDGE GIANNOPOULOS: Okay.

9 MR. DILGER: Those are the unredacted versions of that  
10 email.

11 JUDGE GIANNOPOULOS: Okay.

12 MR. DILGER: A portion I provided. It's just redacted up  
13 top, here.

14 JUDGE GIANNOPOULOS: So there's a couple -- there were two  
15 emails?

16 MR. DILGER: Yes.

17 JUDGE GIANNOPOULOS: Okay. All right.

18 MR. DILGER: Those are the emails that were sent to the  
19 managers.

20 JUDGE GIANNOPOULOS: Okay. Is there any evidence, General  
21 Counsel or Mr. Barth, that rank and -- I'm sorry, Mr. Barth --  
22 Mr. Berger, I apologize, that rank-and-file employees have  
23 Starbucks email addresses? Like do the baristas get the -- a  
24 Starbucks email address when they -- when they -- when they  
25 join -- when they start working?

1 MR. BERGER: I don't know the answer to that. I know that  
2 partners -- employees have -- there's a -- a resource center,  
3 but I don't know if that -- that falls with them also having an  
4 email account. I could ask her that.

5 JUDGE GIANNOPOULOS: All right. Respondent, can you  
6 enlighten me?

7 MR. DILGER: Yeah. There --

8 JUDGE GIANNOPOULOS: Do -- do they -- do employees get  
9 Starbucks --

10 MR. DILGER: Nonsupervisory partners would not have email  
11 addresses.

12 JUDGE GIANNOPOULOS: All right. And I'm assuming that you  
13 have someone that would -- can testify to that if needed to,  
14 all right.

15 All right. So it -- it looks like emails, unless you have  
16 evidence otherwise, unless you have a rank-and-file employee  
17 that comes up and testifies, including these -- I think that  
18 there are some sort of -- some shift supervisors that are in  
19 the unit.

20 MS. MCBRIDE: Yes, Your Honor.

21 JUDGE GIANNOPOULOS: You know, if somebody like that comes  
22 up and says that we get -- we get -- I have a Starbucks.com  
23 email address, then we can further look as to who these  
24 individuals are that these documents were -- were actually  
25 forwarded to. But it appears, at least on their face, they

1       were forwarded to supervisors or managers of Starbucks.

2               And so my preliminary ruling is let's see what the  
3       testimony -- what plays out in the testimony with respect to  
4       these meetings, what was said in the meetings, whether there's  
5       evidence that somebody was reading from the script. If someone  
6       was reading from the scripts, we will revisit it, and -- we'll  
7       revisit it. Let me also say this, however, Respondent.

8               Usually, how these cases work out is that it's not the  
9       General Counsel -- or the Union, that it looks and produced the  
10      script in evidence. Usually how these cases work out, is that  
11      a witness will testify that something was said, and then  
12      Respondent wants to introduce the script to -- to rebut that  
13      evidence and to say no, no. You know, our managers receive  
14      this training and this is what they read from.

15              So Mr. Dilger, I'm not going to let you do that. If you  
16      don't produce that script now, as part of the subpoena request,  
17      okay, then if you try to introduce it later to rebut testimony,  
18      I'm not going to let you do it. I'm not going to let you use  
19      privilege as a shield, and then turn around and -- and use it  
20      as a sword -- use these -- use this script as a sword.

21              So you might want to think about that, talk about that  
22      with your cocounsel, and with your -- with a representative of  
23      Respondent. I don't know what the script says. I don't know,  
24      you know, what -- I really don't know what bearing it's going  
25      to have. But again, if you don't turn it over now, and you --

1     you say it's privileged, and then later, during your case-in-  
2     chief or during cross-examination, you want to use that script  
3     to prove something else was said in the meeting, I'm not going  
4     to let you do it.

5             MR. DILGER:   Okay.

6             JUDGE GIANNOPOULOS:   So --

7             MR. DILGER:   We will -- we'll confer.

8             JUDGE GIANNOPOULOS:   Okay.   So -- so take some time to --  
9     I'm not going to make you turn it over now, but if you do turn  
10    it over now, then you absolutely can use it in your case or  
11    doing cross-examination.   Okay?

12            MR. DILGER:   Understood.

13            JUDGE GIANNOPOULOS:   Come and take the emails back.

14            Do you understand, General Counsel?

15            MS. MCBRIDE:   Yes, Your Honor.

16            JUDGE GIANNOPOULOS:   Okay.

17            MS. SAADE:    So Your Honor --

18            JUDGE GIANNOPOULOS:   Did you want to take a few minutes  
19    now, Mr. Dilger --

20            MR. DILGER:    Yeah, if we could.

21            JUDGE GIANNOPOULOS:   Yeah --

22            MR. DILGER:    That would be great.

23            JUDGE GIANNOPOULOS:   Let's -- let's go off the record.

24    (Off the record at 10:21 a.m.)

25            JUDGE GIANNOPOULOS:   We're now back on the record.

1 All right. Mr. Dilger, anything we need to talk about?

2 MR. DILGER: No, Your Honor.

3 JUDGE GIANNOPOULOS: Okay. Ms. McBride, did you want to  
4 admit the subpoena and those -- and the documents that were  
5 responsive?

6 MS. MCBRIDE: Your Honor, I would like to -- I'd like an  
7 opportunity to see how the evidence comes in, to see if we do  
8 have that -- if we have -- how the evidence comes in related to  
9 the -- the emails with regard to --

10 JUDGE GIANNOPOULOS: The --

11 MS. MCBRIDE: -- the authentication of the --

12 JUDGE GIANNOPOULOS: The emails? I'm talking about a  
13 Facebook post.

14 MS. MCBRIDE: Thank you, Your Honor. There were two  
15 issues we were discussing. I'm sorry. Yes, with the Facebook  
16 post. Yes, we'd like to put in the documents that were  
17 provided --

18 JUDGE GIANNOPOULOS: Okay. Do you have the subpoena  
19 marked?

20 MS. MCBRIDE: I do not have the subpoena marked.

21 JUDGE GIANNOPOULOS: All right. Well, why don't you mark  
22 it and introduce it into -- into evidence?

23 MS. MCBRIDE: Okay. May we go off the record one minute?

24 JUDGE GIANNOPOULOS: Sure.

25 MS. MCBRIDE: Thank you.

1 (Off the record at 10:29 a.m.)

2 JUDGE GIANNOPOULOS: All right. Let's go back on the  
3 record.

4 General Counsel.

5 MS. MCBRIDE: Yes, Your Honor. General Counsel would like  
6 to -- has produced General Counsel's Exhibit 2 -- it's been  
7 marked as GC-2 -- the subpoena that was issued to Siren Retail  
8 Corp. in preparation for this trial. Because there are, you  
9 know, some issues of what has been requested pursuant to that  
10 subpoena. All parties should have a copy of that subpoena in  
11 front of them.

12 JUDGE GIANNOPOULOS: Okay. And I have seen this -- I --  
13 I'm well familiarized with the subpoena because I issued a  
14 ruling on a petitioner vote. Any objections, Mr. Dilger, that  
15 this is the subpoena that was served upon Siren?

16 MR. DILGER: No, Your Honor.

17 JUDGE GIANNOPOULOS: Okay. Mr. Berger, do you have any  
18 objections on -- as to any of these issues?

19 MR. BERGER: No, Your Honor.

20 JUDGE GIANNOPOULOS: All right. So General Counsel's 2 is  
21 admitted as the subpoena that was served upon Siren Retail.

22 **(General Counsel Exhibit Number 2 Received into Evidence)**

23 MS. MCBRIDE: Now, General Counsel's -- I should say at  
24 issue here in General Counsel's Exhibit 2 is paragraph 1 of the  
25 subpoena that requests a true and correct copy of Facebook

1 posts made by Elijah De La Vega on or about February 14th,  
2 2022, including all comments where employee benefits, union,  
3 and/or unionization were discussed. What I have marked as GC  
4 Exhibit 3 is the post that was provided.

5 JUDGE GIANNOPOULOS: In reply to paragraph 1?

6 MS. MCBRIDE: In reply to paragraph 1, that is correct.

7 JUDGE GIANNOPOULOS: All right. Any objections that this  
8 document, General Counsel's 3, who are -- were the documents  
9 provided to the General Counsel in reply to subpoena paragraph  
10 1, Mr. Dilger?

11 MR. DILGER: No, Your Honor.

12 JUDGE GIANNOPOULOS: All right. So General Counsel's 3 is  
13 admitted.

14 **(General Counsel Exhibit Number 3 Received into Evidence)**

15 MR. DILGER: And what I'll obviously add, just for the  
16 record, just -- it gives just a reiteration of your argument,  
17 that is a true and accurate copy of what Siren Retail possessed  
18 in its records.

19 JUDGE GIANNOPOULOS: In its records and then produced it?

20 MR. DILGER: And then produced.

21 JUDGE GIANNOPOULOS: Fair enough. Okay. All right. Ms.  
22 McBride, anything else -- preliminary matters we need to  
23 discuss before we hear opening statements?

24 MS. MCBRIDE: No, Your Honor, no further preliminary  
25 matters.



1 JUDGE GIANNOPOULOS: All right. Mr. Dilger, how about  
2 from the Company?

3 MR. DILGER: No preliminary matters to discuss.

4 JUDGE GIANNOPOULOS: All right, Mr. Berger, any  
5 preliminary matters from the Union?

6 MR. BERGER: No, Your Honor.

7 JUDGE GIANNOPOULOS: Okay. Let's start with opening  
8 statements. Ms. McBride.

9 MS. MCBRIDE: Thank you, Your Honor.

10 Your Honor, this case centers on a union organizing drive  
11 at the Starbucks Thoreau Street in Seattle. Thoreau Street is  
12 operated by Siren Retail. It's one of the most high profile  
13 Starbucks stores in the nation. It serves as a tourist  
14 destination and a product marketing showroom.

15 Thoreau Street offers customers specialty brewed coffees,  
16 a full cocktail bar, a bakery, retail merchandise, and a  
17 glimpse into the roasting process. It offers employees,  
18 referred to as partners, an opportunity to work at a flagship  
19 location and learn additional skills not available at the  
20 standard neighborhood or core Starbucks locations. All of this  
21 means that the stakes of organizing union at this particular  
22 location are high.

23 When partners filed for a representation election on  
24 February 14th, 2022, the reaction from Starbucks was swift and  
25 fierce. Hours after the petition was filed, the evidence will

1 show that Starbucks threatened employees with loss of benefits  
2 and being forced to go on strike if they voted for the Union.  
3 These threats were first made on a manager's public Facebook  
4 post and quickly disseminated to the bargaining unit. Within  
5 weeks, some of those same threats of lost benefits and forced  
6 strikes were repeated in captive audience meetings.

7 You will hear evidence that multiple managers returned to  
8 the same theme that partners would lose their free college  
9 tuition to Arizona State University, ASU, and their ability to  
10 work in difference parts of the corporation, called term-  
11 limited assignments, or TLAs.

12 You will hear from witnesses about the importance of these  
13 particular benefits that were repeatedly threatened in the wake  
14 of the representation petition. The alleged statements in  
15 violation of Section 8(a)(1) are classic union-busting threats.  
16 The evidence is plain that Starbucks threatened employees with  
17 loss of benefits and implied that voting for the union was  
18 futile. Facebook posts to partners and verbal comments in  
19 mandatory meetings clearly come from the same playbook of  
20 unlawful union activity. This case provides a meaningful  
21 opportunity to address the importance that mandatory meetings  
22 with employees or captive-audience meetings play in anti-union  
23 campaigns.

24 While employers have the right to express their opinion on  
25 unionization, as protected under Section 8(c) of the Act, the

1     safeguards of Section 7 must also be enforced. The General  
2     Counsel will argue that captive-audience meetings, in which  
3     employees are forced to listen to an attack on their labor  
4     rights, are inherently violative of their Section 7 rights.  
5     This stance is in line with the language of the Act or  
6     congressional mandate and the core labor rights in this  
7     country.

8             Even without this view of expanded -- this expanded view  
9     of captive-audience meetings, the threats and statements of  
10    futility alleged in paragraphs 5 and 6 of the complaint are  
11    violations of the National Labor Relations Act under long-  
12    standing Board precedent. They were designed to threaten  
13    employees with losing some of their most valued benefits in  
14    order to thwart a nascent and highly visible union-organizing  
15    drive. Accordingly, counsel for General Counsel respectfully  
16    requests that you find respondent violated Section 8(a)(1) of  
17    the Act.

18            General Counsel is ready to proceed, Your Honor.

19            JUDGE GIANNOPOULOS: All right. Mr. Berger, do you have  
20    an opening statement on behalf of the Charging Party?

21            MR. BERGER: Yes. I'll make one.

22            Your Honor, in this highly public organizing campaign,  
23    Starbucks has repeatedly insisted it respects its employees'  
24    right to choose union representation. The facts of this case  
25    will show that to be untrue. Instead of respecting Roastery

1 employees' ability to come to their own conclusions about the  
2 benefits and drawbacks of union representation, Starbucks, by  
3 its subsidiary Siren and its agents, has attempted to coerce  
4 and melead -- mislead employees by forcing them to attend  
5 serial captive-audience meetings, in those meetings,  
6 representing labor law and the conditions of collective  
7 bargaining, threatening the loss of benefits and adverse  
8 working conditions should employees select union  
9 representation, and suggesting the futility of unionizing by  
10 referencing the company's own foot dragging in bargaining at  
11 other stores.

12       These actions show that contrary to its carefully  
13 cultivated public persona, Starbucks does not view its  
14 employees as partners, but at best, children to be shepherded  
15 in the correct direction, and at worst peons to be cowed into  
16 submission. Starbucks' tactics are not only insulting to its  
17 Roastery employees, but an affront to the principles of  
18 industrial democracy embodied in the NLRA. They, therefore,  
19 violate Section 8(a)(1) of the Act, as the evidence will show.  
20 Thank you.

21       JUDGE GIANNOPOULOS: All right. Mr. Dilger, on behalf of  
22 Starbucks -- or Siren Retail? And if I use the word Starbucks,  
23 only because they're alleged as doing business as and everyone  
24 here -- I'm not making any legal conclusions, okay.

25       MR. DILGER: Understood. Your Honor, it -- what the

1 Respondent would request is to defer the opening, given the  
2 nature of the allegations and the -- and the fact that --

3 JUDGE GIANNOPOULOS: I would -- usually, I allow that. I  
4 would like to hear -- I would like to hear an opening, if you  
5 have one.

6 MR. DILGER: I do.

7 JUDGE GIANNOPOULOS: I just like to have a road map as to  
8 see where we're going in these kind of cases.

9 MR. DILGER: Okay. Thank you, Your Honor.

10 For the most part, this case is actually quite simple.  
11 This case measures the rights of an employer to engage in  
12 speech during the union-organizing campaign against the General  
13 Counsel's expressed desire to muzzle employers in what they can  
14 say and what they can inform their own employees about.

15 Here, it's no secret that the General Counsel's view of  
16 permitted conduct varies wildly from established Board law and  
17 also circuit court law. Here, even if the General Counsel  
18 proves its case as to the allegations in the complaint, as to  
19 most of the issues raised, the General Counsel is simply  
20 seeking to change the law. And even if the General Counsel  
21 meets its burden, it is very likely that Your Honor should,  
22 nonetheless, deny the General Counsel's relief because the  
23 General Counsel fails in its legal burden.

24 It should not surprise you that as to most of the specific  
25 allegations, in terms of what was said, we do take issue with

1 the particulars, right? These are cases about woulds versus  
2 coulds, et cetera. And that is the case here. But I do want  
3 to go through every allegation turn by turn, unlike my  
4 counterparts. First of all, I'll just -- you may have had a  
5 Starbucks ca -- well, you did have a Starbucks case already.  
6 You know that they're referred to as partners. That -- in  
7 Siren Retail, is the exact same.

8 JUDGE GIANNOPOULOS: Okay.

9 MR. DILGER: And so I will use that term and understand  
10 that that's what I mean.

11 Taking the allegations in turn, paragraph 6(a) alleges  
12 violation of the law for holding captive-audience meetings,  
13 mandatory or effectively mandatory captive-audience meetings.  
14 The evidence will show that these meetings were not, in fact,  
15 mandatory. The evidence will show that, yes, partners were  
16 scheduled to attend these meetings. They were to attend during  
17 work time. They were paid for the time that they were at these  
18 meetings.

19 But unlike the General Counsel's assertion and the Union's  
20 assertion, there was no compulsion. The evidence will show  
21 that attendance was not taken at the meetings. If employees  
22 missed the meetings, there was no adverse consequence that  
23 followed. In other words, this is a really poor case for the  
24 General Counsel to seek to change the law. And of course, even  
25 if we get to the point and -- and Your Honor determines that

1 they were mandatory captive-audience meetings, of course,  
2 that's entirely legal. That's been the law since at least  
3 Babbitt -- Babcock and Wilcox in 1948.

4 As to the allegations in 6(b), in particular, 6(b)(1) and  
5 (2), while the specifics of precisely what was said is in  
6 dispute, there's no denying that the Employer did explain to  
7 its partners how a union would impact the working relationship  
8 between partners and management.

9 And again, what's important to remember when you're  
10 listening to that testimony is that it's entirely legal for an  
11 employer to explain to its employees that the only way to  
12 maintain a direct relationship with the employer is to vote  
13 against unionizing and that post-unionizing, the ability for an  
14 employer to directly address grievances or complaint to the  
15 employer is drastically limited. That's just the truth. As  
16 the Ninth Circuit put it in a case dealing with very similar  
17 issues in entirely uncontroversial terms, it's a fact of  
18 industrial life that when a union represents employees, they  
19 will deal with the employer indirectly.

20 The next allegation pertains to something called TLAs.  
21 And again, term-limited assignments, time-limited assignments.  
22 That's paragraph 6(b)(3). And the allegations are here, that  
23 Tam Marpoe, one of the associate managers, who you'll likely  
24 hear testify at this hearing, said the time-limited assignments  
25 are off the table, sticky, or gone.

1           And I'll just point this out, again, even if the General  
2 Counsel meets its evidentiary burden, this isn't even a  
3 commitment. Time-limited assignments are off the table,  
4 sticky, or gone. The sticky or gone conflicts. That's what  
5 the evidence will show, that what we're talking about with  
6 time-limited assignments is that it was complicated. That's  
7 what the evidence will show. We will present evidence about  
8 how TLAs are structured. We'll present evidence regarding who  
9 pays what, the fact that TLAs are often cross-company ventures  
10 between Siren and Starbucks, and that there are many aspects of  
11 time limited assignments that would have to be worked out in  
12 order for them to exist --

13           JUDGE GIANNPOULOS: Right.

14           MR. DILGER: -- simply because of the bargaining  
15 relationship.

16           And so again, even if the General Counsel meets its burden  
17 in proving exactly what is alleged, there's no unlawful  
18 conduct. It was entirely permissible for an employer to  
19 express that, as to certain issues like TLAs, they're  
20 complicated.

21           As to allegation 6(c)(1), pertaining to tips, again,  
22 there's a dispute about exactly what was said. However,  
23 there's no dispute. You will hear evidence that one of the  
24 issues in the campaigns -- in the campaign was credit card  
25 tipping at Starbucks locations across the United States. Just



1 as it was at Siren Retail location in Seattle, customers  
2 weren't able to leave credit card tips. And that was an issue  
3 during the campaign. But you'll hear evidence that Starbucks  
4 technology constrained the use of tipping. And so the  
5 allegation, the statement that's alleged, right, was simply a  
6 recitation that it's complicated. And again, expressing that  
7 certain items are complicated because of external constraints  
8 is not a violation of the Act. It's protected under 8(c).

9 The next allegation, 6(c)(2)(ii), this allegation is  
10 really not in dispute. You'll hear evidence that the Employer  
11 explained the process of bargaining to its partners. And  
12 again, just to be clear, the allegation reads, "Collective  
13 bargaining takes however long it takes, on average a year to 18  
14 months for any agreement to be reached." The Respondent's  
15 store in Buffalo, it's been three months, and nothing has been  
16 reached. So just be mindful that nothing changes overnight.  
17 That is the allegation.

18 And the General Counsel is alleging that that indicates  
19 futility when, in fact, the statement itself implies that  
20 things will change, but just not overnight, which is true, that  
21 is the process of bargaining. It cannot be a violation of the  
22 Act.

23 And as to the allegations in paragraph 6(d), the specifics  
24 are again in dispute. There is no doubt that the Employer  
25 discussed rights with its partners. You'll hear evidence that

1 the Employer relayed information about actions the Union could  
2 take against partners if there was a strike. But the evidence  
3 will not show that the Employer implied expressly -- well,  
4 implied or expressly said that there would absolutely be a  
5 strike. The attempt, the evidence will show, was simply to  
6 explain how strikes work and the impact that it can have on the  
7 partners.

8 And finally, paragraph 6(c) alleges that the company  
9 discussed prioritizing nonunionized stores over unionized  
10 stores. And in all honesty, Your Honor, the allegations are  
11 simply too vague to respond to at this point. And so we'll  
12 have to see what the evidence is. I -- I feel confident that  
13 at the end, that whatever is alleged to have said will not  
14 violate the Act.

15 But for those reasons, individually and on the whole, just  
16 given the General Counsel's agenda in changing the law and  
17 limiting what employers can say, the Respondent respectfully  
18 requests -- will respectfully request that the 8(a)(1)  
19 allegations be de -- denied and ultimately, the complaint  
20 dismissed.

21 JUDGE GIANNOPOULOS: All right. Thank you very much.  
22 That was very helpful, actually. Thank you.

23 MR. DILGER: You're welcome.

24 JUDGE GIANNOPOULOS: All right. General Counsel, are you  
25 ready with your first witness?

1 MS. MCBRIDE: Yes, Your Honor. The General Counsel's  
2 prepared to call our first witness, Melissa Slabaugh.

3 JUDGE GIANNOPOULOS: Okay. Let's -- let's just wait for  
4 the witness to show.

5 We can go off the record, Bruce. I'm not sure where the  
6 witnesses are sitting, so.

7 (Off the record at 10:54 a.m.)

8 JUDGE GIANNOPOULOS: All right. We're back on the record.  
9 You can step up here, if you would. You can just set your  
10 backpack down.

11 MS. SLABAUGH: Sure. Does it matter where?

12 JUDGE GIANNOPOULOS: Yeah. That's fine. All right. Let  
13 me have you raise your right hand.  
14 Whereupon,

15 **MELISSA SLABAUGH**

16 having been duly sworn, was called as a witness herein and was  
17 examined and testified as follows:

18 JUDGE GIANNOPOULOS: All right. Have a seat. State your  
19 first and last name, and spell it for the record, please.

20 THE WITNESS: My first name is Melissa, M-E-L-I-S-S-A. My  
21 last name is Slabaugh, S-L-A-B-A-U-G-H.

22 JUDGE GIANNOPOULOS: All right. Go ahead, General  
23 Counsel.

24 MS. MCBRIDE: Okay.

25 **DIRECT EXAMINATION**



1 Q BY MS. MCBRIDE: Good morning. Thank you for being here  
2 today. And thank you for your patience this morning as we  
3 worked out --

4 A Yeah.

5 Q -- a few things. And I'm Sarah McBride, counsel for the  
6 General Counsel. Ms. Slabaugh, have you ever worked for Siren  
7 Retail?

8 A Yes.

9 Q Okay. When was that?

10 A For -- I left in May of this year. And I worked there for  
11 about four-and-a-half years prior.

12 THE WITNESS: Thank you.

13 Q BY MS. MCBRIDE: Were those four and a half years all with  
14 Siren Retail?

15 A Yes. The four and a half prior to that, I was with  
16 Starbucks Corporation.

17 Q Okay. So let's stay with the four-and-a-half years with  
18 Siren.

19 A Okay.

20 Q Where were you working during that time?

21 A At the Starbucks Reserve Roastery, here in Seattle.

22 Q Where is that located?

23 A Right in Capitol Hill, 1124 Pike.

24 Q Okay. You called it the Reserve Roastery. Is -- is that  
25 the common name of that location where you worked for Siren?

1 A Yeah.

2 Q Okay. Okay, prior to working at the Reserve Roastery, you  
3 said you worked for Starbucks at other locations?

4 A Yes.

5 Q When was that?

6 A I started with Starbucks in 2013 in Tucson, Arizona.

7 Q And what kind of location was that? I know Starbucks has  
8 several different types of places to work.

9 A Um-hum.

10 Q In Tucson, Arizona, what type of locations was that?

11 A It's a drive-through and cafe store, so like your other  
12 neighborhood Starbucks you typically go to.

13 Q Okay. Are you familiar with the term core store?

14 A Yes.

15 Q The location in Tucson, Arizona with Starbucks, would that  
16 have been of core store?

17 A Yes. It was a core store.

18 Q In your experience working in -- in both the core store  
19 and the Reserve Roastery, is there anything that sets the  
20 Roastery apart from the Starbucks core stores?

21 A Yes. Immediately, you walk in and you can see a huge  
22 difference. The Reserve Roastery is huge in comparison, has a  
23 manufacturing plant, and has three different -- four different  
24 counters that you can go to.

25 Q Can you describe those counters for us?



1 A Yes.

2 Q How are they are different?

3 A So you walk in. There is a main bar area, which is also  
4 sometimes referred to as like an engine area. It is your --  
5 more of your, like, typical kind of Starbucks, like, flow, at  
6 least. You go up. You can order a drink for here or to go,  
7 typically all of their, like, lattes, other specialty espresso  
8 drinks, and then, pick it up also, like a core store.

9 There is also the Experience Bar, which is downstairs.  
10 There is a downstairs. And that is typically more of a full-  
11 service area; obviously, has changed during COVID. But that is  
12 more of, like, a craft coffee area, like with more showmanship.

13 Q Can you describe that a little bit? So are these --

14 A Sure.

15 Q -- baristas that are still making these drinks with more  
16 showmanship, is?

17 A Yeah. It's a little bit -- it's just closer to the  
18 different brew methods. So people can sit directly -- like, I  
19 could be right here making what they call siphons, and you  
20 could have people right here watching you.

21 Q For the --

22 JUDGE GIANNPOULOS: And let the reflect, when the witness  
23 says right here, right here, she pointed to the west side of  
24 the witness stand, and then, the other side of the witness box.  
25 All right.

1 THE WITNESS: Yeah.

2 MS. MCBRIDE: Thank you.

3 Q BY MS. MCBRIDE: So with the -- the coffee area that you  
4 described, upstairs and then downstairs, there's the Experience  
5 area. Were there other two counters?

6 A Yes. So you go back the upstairs. If you're facing from  
7 the entrance, you go to the right. There is the mixology bar,  
8 which is where I spent my last two years working at the  
9 Roastery, which is the bar, basically. There are -- there are  
10 alcohol drinks that are crafted with coffee and tea from  
11 Starbucks.

12 We also have the Princi bakery, that's just to the right  
13 of that as well, which is all of your, like, pastries, pizzas,  
14 with all the ovens and everything as well.

15 Q All right. So with those four bars, is there also a  
16 roastery -- a coffee roasting going on in the Roastery?

17 A Yes. there is a glass, like a barrier, so that the public  
18 can't get back there. There's obviously a few reasons. But  
19 there is a full manufacturing plant where they roast coffee for  
20 the Reserve Roastery for other Reserve Roasteries, like in New  
21 York or in Chicago, and for other core stores as well.

22 Q And can the public come in and see that process?

23 A Yes. They can see it from the other side of the glass.

24 Q Is there anything else physically in that store that's  
25 unique to the Seattle Reserve Roastery?



1 A Yeah. So actually, there's -- I mean, there's what they  
2 call casks. And they're like the centerpiece of the  
3 Roasteries. And they're all unique to the different locations.  
4 So Seattle has one that's, like, hand dented, and it's -- it's  
5 really pretty. It's kind of like the cornerstone of most of  
6 your pictures that you get as well.

7 Q And you said that was a cask?

8 A Yeah. It's a, like, copper cask.

9 Q Is there merchandise available as well?

10 A Oh, yes, my goodness. So there's an additional area, the  
11 merchandise area, or the lifestyle area, where you can also  
12 purchase a lot of different, like, coffee brew methods. You  
13 can purchase gear. So there's, like, shirts, different  
14 partnerships with other local artists like Hardmill. And it  
15 changes quite a lot actually.

16 Q Is there a place for customers to gather as well?

17 A Yes. It's pretty much open seating. So you can sit  
18 anywhere as long as there's a table open.

19 Q Approximately how many employees work in the Roastery?

20 A On a given day or in general?

21 Q Let's --

22 A Like --

23 Q Yeah, let's start with on a given day -- on -- on a  
24 given --

25 A All right.



1 Q -- Monday, how many people will be working there?

2 A I would venture to say somewhere between 30 and 40,  
3 depending on how busy it is or how many bars are open.

4 Q Okay. If all bars are open on a particularly busy day,  
5 peak tourist season, how many folks would be in there?

6 A About -- I would say about 40.

7 Q Okay.

8 JUDGE GIANNOPOULOS: Well, meaning workers?

9 THE WITNESS: Workers.

10 MS. MCBRIDE: Workers.

11 THE WITNESS: Yeah.

12 JUDGE GIANNOPOULOS: And what's the capacity for members  
13 of the public, if you know?

14 THE WITNESS: I don't know that off the top of my head.

15 JUDGE GIANNOPOULOS: But would it be -- would it be more  
16 than the workers? I mean, is it --

17 THE WITNESS: Yes.

18 JUDGE GIANNOPOULOS: Is it like a -- you know, small? I  
19 don't know.

20 THE WITNESS: There would easily be, on a busy day, a lot  
21 more --

22 JUDGE GIANNOPOULOS: Okay.

23 THE WITNESS: -- a lot more customers than employees.

24 JUDGE GIANNOPOULOS: All right.

25 MS. MCBRIDE: Okay.

1 Q BY MS. MCBRIDE: And so what about per shift on a busy  
2 day? If all four counters are open for one shift on a very  
3 busy day, how many folks are we talking about who are behind  
4 the bars, and employees behind the bar, or employees  
5 interacting with the customers?

6 A Do you mean, like, each individual bar, or as a whole?

7 Q As whole in the Roastery?

8 A On a given day, I would say -- like, not a busy day?

9 Q On a -- on a busy day --

10 A Okay.

11 Q -- with all four bars and the retail space open, how many  
12 employees are there?

13 A I would still say somewhere between, like -- like, 40.

14 Q Okay.

15 A Somewhere around 40.

16 Q Great. During your time as an employee at the Roastery,  
17 did you become familiar with the chain of command, or the  
18 hierarchy, there for the employees?

19 A Yes.

20 Q Okay. And you stated that your last position there was a  
21 mixologist. You were at the bar?

22 A Yes.

23 Q Correct? Okay.

24 JUDGE GIANNOPOULOS: And you left, I thought you said, in  
25 May of this year?

1 THE WITNESS: Yes.

2 JUDGE GIANNOPOULOS: Okay.

3 Q BY MS. MCBRIDE: As a mixologist, how does that relate to  
4 a barista in the chain of command?

5 A You pretty much have to master all the other areas before  
6 you can get to the bar. And it also -- you can also make  
7 coffee beverages at the mixology bar. So it's a -- it's kind  
8 of a hybrid of all of the positions, really.

9 Q Okay. So a -- a barista would need a little bit of  
10 further training to be a mixologist?

11 A Absolutely.

12 Q Okay. And then, as a mixologist or a barista --

13 A Um-hum.

14 Q -- let's start with barista, who would you report up to if  
15 you were a barista?

16 A Your operations lead.

17 Q Okay. And if you were a mixologist, who would you report  
18 up to?

19 A Typically, your operations leader or whoever the  
20 mixologist lead was.

21 Q Okay. And do you know who the ops lead would report to?

22 A They report to AMs --

23 Q What is --

24 A -- associate managers.

25 Q Thank you, an associate manager. Is an associate manager

1 typically on-site in the store?

2 A Yes.

3 Q How many associate managers would be on-site at a time per  
4 shift?

5 A I would say two, typically.

6 Q And who would they report to? What position would they  
7 report to?

8 A They would report to operations managers, or OMs.

9 Q Was an OM typically on-site?

10 A Yes.

11 Q Okay. And how many of them would be -- how many OMs would  
12 be on-site at a time?

13 A Typically, one.

14 Q And would they report up to anybody?

15 A Yes.

16 Q Who would they report up to?

17 A I don't know what the official term is, but like, the --  
18 it would be the, like, operations manager. That's for, like, a  
19 regional manager, almost. But it's just for the Roastery.

20 Q A -- a regional manager for the Roastery?

21 A Yeah.

22 Q And is that person typically on-site?

23 A Yes. Not, like, through the entire business day, but  
24 yeah.

25 Q So during any given business day, for some portion of the

1 day, they would be on-site?

2 A Yeah.

3 Q Okay.

4 JUDGE GIANNOPOULOS: What are the hours of the Roastery  
5 that it's open to the public?

6 THE WITNESS: It varies. Right now, I wouldn't know  
7 exactly --

8 JUDGE GIANNOPOULOS: When you were working there, on a --

9 THE WITNESS: Yeah.

10 JUDGE GIANNOPOULOS: -- on a normal day. You show up  
11 on -- I'm assuming it's open on a Monday?

12 A Yes. I -- typically, 7 to, like, 10 p.m.

13 JUDGE GIANNOPOULOS: Okay. And then, are -- when it's  
14 closed to the public, are they roasting beans overnight? Is  
15 work going on like that overnight or no?

16 THE WITNESS: No.

17 JUDGE GIANNOPOULOS: Generally not? Okay.

18 Go ahead, General Counsel.

19 MS. MCBRIDE: Thank you.

20 Q BY MS. MCBRIDE: You had previously stated that you left  
21 in May of this year.

22 A Yes.

23 Q Why was it that you left Starbucks in May?

24 A I graduated from ASU online through Starbucks. And I  
25 wanted a job that was in my field.

1 Q Okay. Take it that field was not coffee roasting?

2 A It was not.

3 Q Okay. Prior to leaving in May, were you familiar with a  
4 union organizing effort that took place at the Seattle  
5 Roastery?

6 A Yes.

7 Q Okay. How is it that you were familiar with that effort?

8 A I helped organize it.

9 Q Okay. And when was that?

10 A Started back in January of 2022, this year, yeah. And  
11 we've officially filed in February. It was on February 14th.

12 Q Okay.

13 MS. MCBRIDE: I'll just note for the record that that  
14 petition that was filed that the witness just referenced to is  
15 in the record as Joint Exhibit 3.

16 JUDGE GIANNOPOULOS: Yes.

17 MS. MCBRIDE: Okay. And the date on that is February  
18 14th, 2022.

19 Q BY MS. MCBRIDE: After the petition was filed for a  
20 representation election with the Union with Workers United, are  
21 you aware of any social media posts that were made by managers  
22 or supervisors of Starbucks about the election?

23 A Yes.

24 Q Okay. Can you please give an example of one?

25 A Yes. It was one of our associate managers at the time,

1     Elijah De La Vega. And he made a Facebook post on February  
2     14th that was referring to the election.

3     Q     Okay. And how did you become familiar with that post?

4     A     It was on my news feed.

5           JUDGE GIANNOPOULOS: Are you Facebook friends with Mr. De  
6     La Vega?

7           THE WITNESS: I was at the time, yes.

8           JUDGE GIANNOPOULOS: Okay.

9           MS. MCBRIDE: Okay.

10    Q     BY MS. MCBRIDE: Did you read through his post?

11    A     Yes.

12    Q     Did you, by chance -- did you have an opportunity to read  
13    any of the comments on the post?

14    A     Yes.

15    Q     Okay.

16           MS. MCBRIDE: Your Honor, I'm -- I'd like to show the  
17    witness what has been marked as GC-4. I will note for the  
18    record, this is a color copy version that, line by line, is the  
19    same as GC-3. That was in there for the purposes of the  
20    subpoena matter. And this is the same line by line. It  
21    matches up.

22           JUDGE GIANNOPOULOS: Okay.

23           MS. MCBRIDE: So.

24    Q     BY MS. MCBRIDE: Ms. Slabaugh, if you can take a minute to  
25    look through this document. It is a 28-page, single-sided

1 color document. If you can take a minute to familiarize  
2 yourself with it, and then, look up when you have.

3 A I just want to make sure you want me to go through.

4 Q Just to familiarize yourself --

5 A Okay.

6 Q -- with it. You don't need to -- to --

7 A Like, read it all.

8 Q -- memorize --

9 JUDGE GIANNOPOULOS: Well, take a look --

10 Q BY MS. MCBRIDE: -- everything, but --

11 JUDGE GIANNOPOULOS: -- at every --

12 Q BY MS. MCBRIDE: -- take a look at each page.

13 JUDGE GIANNOPOULOS: Take a look at every page.

14 THE WITNESS: Yeah. Okay.

15 Q BY MS. MCBRIDE: MCBRIDE: Yes.

16 A I just want to make sure.

17 Q Yes. Yes. We're -- we're all here waiting. It's no  
18 problem.

19 A Cool.

20 Q We're here.

21 Thank you for reviewing those. Are you familiar with this  
22 post and the -- the attached documents here?

23 A Yes.

24 Q Sorry. I -- comments, not documents. Thank you.

25 A Yes.



1 Q Okay. On the first page, on the top, in bold letters, it  
2 says, "Elijah De La Vega". There's a picture. Do you  
3 recognize that picture?

4 A Yes.

5 Q Are you familiar with Elijah De La Vega?

6 A Yes.

7 Q How so?

8 A I worked with him for four-and-a-half years at the Reserve  
9 Roastery.

10 Q Did you work with him on a regular basis there?

11 A Yes.

12 Q Okay. How frequently would you work together?

13 A I mean, most of our shifts together. And I think we both  
14 worked full time. So about anywhere between, like, part-time  
15 to like, 40 hours a week.

16 Q And when you were working together during those years --

17 A Um-hum.

18 Q -- what was his position?

19 A It changed. When I first started he was a barista with  
20 me. He became an operations lead maybe a year into that. And  
21 then he became an AM, I would say, a couple years into that.

22 Q Okay. So right under his name on the top of page 1 d

23 A Um-hum.

24 Q -- it says, "Feb 14". By the date February 14th, 2022,  
25 what was his position when you were working with him?

1 A He was an AM.

2 JUDGE GIANNOPOULOS: And that's assistant manager?

3 THE WITNESS: Sorry. It's technically associate manager.

4 JUDGE GIANNOPOULOS: Associate manager. AM. Okay.

5 THE WITNESS: Yeah.

6 Q BY MS. MCBRIDE: Now, do you have a Facebook account?

7 A Yes.

8 Q And if you -- if you can share with us, what is your user  
9 name on Facebook?

10 A At the time of this post or now?

11 Q At the time of this post.

12 A At the time of this post it was M-E-L, so Mel, my -- first  
13 three letters of my first name. And then slab, S-L-A-B, the  
14 first four letters of my last name.

15 Q So if you turn to page 2. At the bottom there's a post by  
16 melslab. Is that you?

17 A Yes.

18 Q Okay. Were you -- were you -- this is our new  
19 (indiscernible) Facebook friends with Elijah De La Vega?

20 A Yes.

21 Q Okay. And what does that mean in terms of the interaction  
22 you were able to have with him on Facebook, the fact that you  
23 were friends?

24 A It was a pretty open conversation that I was able to  
25 pretty easily have with --

1 JUDGE GIANNOPOULOS: I think what she's asking you is due  
2 to the fact that you're friends with Mr. De La Vega, were you  
3 able to see his posts and comment on them?

4 THE WITNESS: Yes, I was.

5 JUDGE GIANNOPOULOS: Okay.

6 Q BY MS. MCBRIDE: Thank you. Now, if you could please turn  
7 to page 7. About halfway down on page 7, in a post by Elijah  
8 De La Vega, there's a mention of TLAs. Do you see that?

9 A Yes, I do.

10 Q Okay. It states, "If union vote --"

11 JUDGE GIANNOPOULOS: You -- you don't have to read it.

12 MS. MCBRIDE: I -- I -- sorry.

13 JUDGE GIANNOPOULOS: The document speaks for itself.

14 MS. MCBRIDE: Trying -- it does, Your Honor. I was trying  
15 to point her direction to a particular piece of it.

16 JUDGE GIANNOPOULOS: Okay. So -- so page 7. Which  
17 bubble? How many bubbles down?

18 MS. MCBRIDE: The third bubble down.

19 JUDGE GIANNOPOULOS: Okay. And that's you, melslab. You  
20 looked through this entire document, right?

21 THE WITNESS: Yes.

22 JUDGE GIANNOPOULOS: Okay. Everywhere where melslab comes  
23 up, is that you?

24 THE WITNESS: Yes.

25 JUDGE GIANNOPOULOS: Okay. All right. Go ahead.

1 Q BY MS. MCBRIDE: Okay. So the third bubble that I'm  
2 looking at here was -- it says, "Elijah De La Vega", and below  
3 that, "melslab".

4 A Correct.

5 JUDGE GIANNOPOULOS: And the melslab is in blue. And I'm  
6 just -- I'll just say, I can take, I think, administrative  
7 notice of -- of Facebook when, usually, you're in blue, that  
8 means you're tagged. Is that what happened here?

9 THE WITNESS: Yes.

10 JUDGE GIANNOPOULOS: Okay.

11 MS. MCBRIDE: Thank you, Your Honor.

12 Q BY MS. MCBRIDE: So in this post where Elijah De La Vega  
13 has tagged you, it states -- the document states, "TLA  
14 opportunities would be on the table". And that's right after  
15 "If union vote is passed". Did you see this post that you were  
16 tagged in?

17 A Yes.

18 Q Okay. And what was your understanding of this post that  
19 you were tagged in?

20 MS. SAADE: Objection, Your Honor. I -- I do want to put  
21 on the record an objection to the -- the judicial notice  
22 that --

23 JUDGE GIANNOPOULOS: Well, yeah. I'm -- I'm --

24 MS. SAADE: -- that -- that is --

25 JUDGE GIANNOPOULOS: -- not sure --

1 MS. SAADE: -- that the -- that the user tagged melslab.

2 JUDGE GIANNOPOULOS: I'm not sure if -- you know, it's  
3 almost sad that Facebook has become so ubiquitous that -- that  
4 everybody knows how it works. But in general, that's how it  
5 works.

6 And -- and you can follow up on cross. But -- but I did  
7 ask her if she was tagged on it.

8 MS. MCBRIDE: Your Honor, if I may ask --

9 MS. SAADE: But --

10 JUDGE GIANNOPOULOS: Stop. Stop. No. Not yet. I'll let  
11 you have a second. Counsel for Starbucks is still speaking.  
12 And let me also say this.

13 Ms. Saade, which witness -- which lawyer's going to handle  
14 this witness? Because if you're objecting, you're going to  
15 handle the witness on cross.

16 MS. SAADE: I apologize. I'll defer to my cocounsel.

17 JUDGE GIANNOPOULOS: All right. Mr. Dilger, what do you  
18 have to say?

19 MS. SAADE: May I --

20 MR. DILGER: I mean. No.

21 JUDGE GIANNOPOULOS: You know --

22 MR. DILGER: No. It -- it -- it is -- it is the same  
23 objection, right, that -- that just --

24 JUDGE GIANNOPOULOS: All right.

25 MR. DILGER: She can testify to her personal knowledge --

1 JUDGE GIANNOPOULOS: That's fine.

2 MR. DILGER: -- and that's fine.

3 JUDGE GIANNOPOULOS: That's fine. Good. Were you tagged  
4 in this comment? Did you see the comment when it -- when it  
5 was made?

6 THE WITNESS: Yes.

7 JUDGE GIANNOPOULOS: Did it show up on your Facebook  
8 notice that you were tagged?

9 THE WITNESS: Yes.

10 JUDGE GIANNOPOULOS: All right. And you saw it?

11 THE WITNESS: Yes.

12 JUDGE GIANNOPOULOS: All right. So -- so any further  
13 objection?

14 MS. SAADE: Yes. Just a moment, Your Honor.

15 MR. DILGER: No. No objection, Your Honor.

16 JUDGE GIANNOPOULOS: Okay. Quite honestly, I know that  
17 there are -- there are federal court cases that describe how  
18 tagging works in Facebook. And I can cite to those if we need  
19 to. But in any event, this witness testified that she was  
20 tagged, and she saw it.

21 General Counsel, what do you want to say?

22 MS. MCBRIDE: Your Honor, you addressed my point of who  
23 designated counsel was. Thank you.

24 JUDGE GIANNOPOULOS: Okay. Anyway. Let's get back to  
25 questions.

1 MS. MCBRIDE: Thank you.

2 THE WITNESS: Yeah.

3 Q BY MS. MCBRIDE: Mel. May I call you Mel?

4 A I prefer Melissa.

5 Q Melissa.

6 A Yeah.

7 Q Sorry about that.

8 A That's totally fine.

9 Q Thank you. Okay, Melissa. So Melissa, there's a mention  
10 of TLAs here on this post we just discussed. Can -- are -- are  
11 you familiar with the term "TLA"?

12 A Yes.

13 Q Can you explain that for us please?

14 A Yes. TLA stands for time-limited assignment. It is  
15 basic -- it's essentially a paid internship within Starbucks  
16 where you can, you know, intern in other positions within  
17 Starbucks to get work experience and possibly get a permanent  
18 position from that TLA.

19 Q Have you taken part in a TLA?

20 A I personally have not.

21 Q How are you familiar with the TLA process?

22 A Just from general experience of a lot of my partners  
23 getting TLAs, but also my current live-in partner, who did a  
24 TLA on the manufacturing side and then got a permanent position  
25 from that.

1 Q Just for clarity then. You said a lot of your partners  
2 had done TLAs. Are you commenting -- would that be an employee  
3 in another situation?

4 A Yes. Partners within --

5 Q All right.

6 A -- Starbucks, as the term is for employees.

7 Q Okay. In your experience -- in your years working at --  
8 at Starbucks in the Roastery, is the TLA a coveted benefit?

9 A Yeah.

10 Q Now, if you can turn to the next page, page 8. In the top  
11 blue bubble, there is a mention of ASU. Do you see that?

12 A Yes, I do.

13 Q And who made that comment?

14 A Elijah De La Vega.

15 Q Okay. It says, "Some might lose their free ASU". Are you  
16 familiar with what that term meant, ASU?

17 A Yes. ASU stands for Arizona State University, which --

18 Q And are you familiar with what Arizona State University  
19 would mean in this context of it being mentioned as losing free  
20 ASU?

21 A Yes. Starbucks offers their -- your first bachelor's  
22 degree paid for by them through Arizona State University or ASU  
23 online.

24 Q Okay. And how did you become familiar with that benefit?

25 A I took advantage of it, and I graduated from it.



1 Q What would it have meant to you if you'd lost that  
2 benefit?

3 A I may not have gotten my degree.

4 Q Do you know whether other employees -- I'm going to use  
5 the word employees for clarity here --

6 A Yeah. That's fine.

7 Q -- other employees of the Roastery utilize that benefit?

8 A Yes.

9 MR. DILGER: Objection. Calls for speculation.

10 JUDGE GIANNOPOULOS: Well, she knows. She says -- she  
11 says she does know.

12 Now, you can ask how she knows.

13 Q BY MS. MCBRIDE: How do you know that they utilized that  
14 benefit?

15 A Well, I know my partner, or for clarity, boyfriend, takes  
16 advantage of it.

17 Q Okay. Do you have knowledge of anybody else taking  
18 advantage of that benefit?

19 A Yes.

20 Q How so?

21 A I -- I know that they're enrolled in it. We had at least  
22 a couple of people that I can think of off the top of my head  
23 that did en -- that did enroll themselves in ASU online.

24 Q Okay. And in your experience, was this -- was this an  
25 important benefit to the employees that you worked alongside

1 of?

2 A Yes.

3 Q Now, if you can please turn to page 21.

4 A Are we currently on page 8? Just so I can count?

5 Q Yes.

6 A Okay.

7 Q Yes. There's -- I believe -- these should have been  
8 interline paginated. On my copy, it is incredibly small.

9 A Oh, I see it at the bottom.

10 Q I'm -- and --

11 A Okay.

12 Q -- forgive me on our copying issues we've been having of  
13 late.

14 A No. I see it at the bottom. You said 24?

15 Q 21.

16 A 21. Thank you. Okay.

17 Q Okay. Now, there appears to be one large, blue bubble  
18 here -- text bubble here -- a post from Elijah De La Vega.  
19 Counting from the bottom up, the eighth line from the bottom  
20 starts, "This third party".

21 A I see that.

22 Q Okay. Can you read that sentence for us with "This third  
23 party" so we're all on the same page here?

24 A Yes. "This third party can force everyone to go on  
25 strike" whether -- "whenever they want, unpaid, or face the

1 consequences."

2 Q Okay. And did you see this post when it was made?

3 A Yes.

4 Q Right after that, in parentheses, it says, "Repeating what  
5 I was told." Did you have an understanding of what that meant?

6 A Yes.

7 Q What was that?

8 A That he was told that by people above him from Starbucks.

9 Q Okay. Okay. Did you have any way of knowing if Elijah De  
10 La Vega was on the clock when he made these comments? And when  
11 I say, "these comments", I mean all of the Facebook comments in  
12 GC-4 that we've just looked at.

13 A No.

14 Q Okay.

15 MR. DILGER: What was the answer? I'm sorry.

16 JUDGE GIANNOPOULOS: No.

17 THE WITNESS: No.

18 JUDGE GIANNOPOULOS: She said, "No".

19 Q BY MS. MCBRIDE: Did you have any way of knowing when you  
20 saw these posts whether or not he was acting in his -- whether  
21 he was on the clock and -- and working in Starbucks?

22 MR. DILGER: Objection. Asked and answered.

23 JUDGE GIANNOPOULOS: No. Well, I -- it --

24 MR. DILGER: It's I guess compound --

25 JUDGE GIANNOPOULOS: -- it kind of -- it kind of is.

1 MS. MCBRIDE: I can move on.

2 JUDGE GIANNOPOULOS: But when you saw these, did you have  
3 any idea what time he made these posts?

4 THE WITNESS: Not in relation of him working --

5 JUDGE GIANNOPOULOS: All right.

6 THE WITNESS: -- if that's what you're asking.

7 JUDGE GIANNOPOULOS: Well, in general.

8 THE WITNESS: No.

9 JUDGE GIANNOPOULOS: All right. Move on.

10 MS. MCBRIDE: Okay. Your Honor, at this point, I'd like  
11 to move for admission of GC-4.

12 JUDGE GIANNOPOULOS: All right. Any objections from the  
13 Respondent?

14 MR. DILGER: Yes. I've -- I think that the authenticity  
15 of the comments themselves has not been established through the  
16 testimony. The document was only in previously as a record  
17 that was produced by us, and there hasn't been any further  
18 authentication. So on those grounds, we would object.

19 JUDGE GIANNOPOULOS: All right. Ms. Slabaugh, when you --  
20 when -- when you saw this post that you were tagged in, did you  
21 go back -- did you look at Mr. De La Vega's original post?

22 THE WITNESS: Yes.

23 JUDGE GIANNOPOULOS: And then all of these comments  
24 that -- that you looked at through here -- you looked through  
25 the document before you testified?

1 THE WITNESS: Yes.

2 JUDGE GIANNOPOULOS: Have you seen these comments on  
3 Facebook itself?

4 THE WITNESS: Yes.

5 JUDGE GIANNOPOULOS: All right. So I'm going to overrule  
6 the objection.

7 Mr. Berger, any objections?

8 MR. BERGER: No, Your Honor.

9 JUDGE GIANNOPOULOS: All right. So General Counsel's 4 is  
10 admitted.

11 **(General Counsel Exhibit Number 4 Received into Evidence)**

12 MS. MCBRIDE: Thank you.

13 JUDGE GIANNOPOULOS: Did you see them when they occurred,  
14 or did you see them in preparation for this trial?

15 THE WITNESS: I saw them when they occurred.

16 JUDGE GIANNOPOULOS: Okay. So General Counsel's 4 is  
17 admitted.

18 MS. MCBRIDE: Thank you.

19 Q BY MS. MCBRIDE: Melissa, to your knowledge, did any other  
20 employees at the Roastery see Elijah De La Vega's posts at the  
21 time that they were made?

22 A Yes.

23 Q Okay. And how do you know that?

24 A They liked his comments.

25 Q The -- on Facebook, they --



1 A On Facebook, yes.

2 Q -- hit the "like" button. Okay. Thank you.

3 A Yes. Sorry.

4 Q Is that the only way that you know other people -- other  
5 employees at Siren Roastery saw these comments?

6 A That I know for sure, yes.

7 Q Okay. Did you have any conversations with other employees  
8 at the Roastery about these -- this post and the comments?

9 A Yes.

10 Q Do you recall any specific conversations?

11 A No.

12 Q Do you recall when those conversations took place?

13 A Immediately after the Facebook post on February 14th and  
14 during the proceeding days after.

15 Q When you say, "proceeding days after", do you have a time  
16 period that you remember?

17 A No. I -- I don't have a specific time period. I would  
18 say within, like, the week or two following.

19 Q Okay. And were these conversations you had with one  
20 employee, with three employees, with more employees? Do you  
21 have any recall?

22 A Mor -- more employees.

23 JUDGE GIANNOPOULOS: I'm sorry. What was your answer?

24 THE WITNESS: I said, "More".

25 JUDGE GIANNOPOULOS: More than three?

1 THE WITNESS: Yes.

2 JUDGE GIANNOPOULOS: I think that's what her question was.

3 THE WITNESS: Yes.

4 JUDGE GIANNOPOULOS: You hit -- counted --

5 MS. MCBRIDE: Yes.

6 JUDGE GIANNOPOULOS: -- up to three.

7 THE WITNESS: Okay. Yeah.

8 MS. MCBRIDE: More than --

9 THE WITNESS: More than three. There we go.

10 Q BY MS. MCBRIDE: More than three employees, you were  
11 having these conversations with?

12 A Yes.

13 Q That you were directly a part of?

14 A Yes.

15 Q Okay. The conversations about the posts, did these  
16 conversations take place one-on-one?

17 A No. They were typically through, like, social media  
18 platforms.

19 Q Okay. Separate and apart from the social media posts --

20 A Yes.

21 Q -- at issue here?

22 A Yes.

23 Q Okay. And what was the focus of those discussions?

24 A It was very focused on losing our ASU benefits, possibly,  
25 and losing the TLA benefits.

1 Q Why was it that you were in discussions about losing ASU  
2 and losing TLA benefits with other employees during that time?

3 A Because that's what we were hearing from management, and  
4 we were concerned about that.

5 Q Okay. How were you hearing that from management?

6 A Well, this was -- the first time was --

7 JUDGE GIANNOPOULOS: "This" meaning General Counsel's 4?

8 THE WITNESS: This -- yeah. On the Facebook post. And  
9 that one was probably what started it because it was, like, the  
10 first time that we really saw that. But we did also hear about  
11 it in meetings post filing.

12 Q BY MS. MCBRIDE: By "post filing", what is it you're  
13 referring to?

14 A Sorry. Post-February 14th, when we filed for a petition  
15 for an election.

16 Q Okay. So after the petition was filed then on February  
17 14th, were there any meetings that took place at the  
18 Roastery --

19 A Yes.

20 Q -- about the upcoming election?

21 A Yes.

22 Q Okay. Did you attend any of those meetings?

23 A Yes.

24 Q How many of those meetings did you attend?

25 A I -- I would say three.



1 Q Do you know when those took place?

2 A I don't know exactly.

3 Q Do you have a month that they might have taken place in?

4 A Yes. February and early March.

5 Q Okay.

6 JUDGE GIANNOPOULOS: Of what year?

7 THE WITNESS: Sorry. Of this year, 2022.

8 JUDGE GIANNOPOULOS: Okay.

9 Q BY MS. MCBRIDE: Where did those meetings take place?

10 A At the Roastery.

11 Q Is there a specific part of the Roastery in which they  
12 took place?

13 A There were two specific parts. One was in the -- what  
14 we -- what is the library at the Reserve Roastery. And then  
15 there is a back garage area that was big enough for us to also  
16 hold meetings there.

17 Q Okay. Were you told that you needed to attend these  
18 meetings?

19 A I was scheduled for them.

20 JUDGE GIANNOPOULOS: So let's try to handle it one meeting  
21 at a time, General Counsel.

22 MS. MCBRIDE: That's where I'm going, yes, Your Honor.

23 JUDGE GIANNOPOULOS: As opposed to just generalities.

24 Q BY MS. MCBRIDE: The first meeting that you attended, how  
25 did you learn that you were to attend that meeting?

- 1 A It was on my schedule.
- 2 Q When do you receive your schedule?
- 3 A Typically, up to thr -- like, usually about three weeks  
4 before.
- 5 Q How do you receive that schedule?
- 6 A There were a couple of ways. You had an -- there was an  
7 app that we could look at that had our schedules on it. Or it  
8 was posted in our back of house.
- 9 Q Okay. What is typically posted on your schedules?
- 10 A Shifts that we're required to attend to.
- 11 Q Is there -- would any other information other than the  
12 shift -- let's say, eight hours at the mixology bar --
- 13 A Um-hum.
- 14 Q -- is there anything else that would appear on your  
15 schedule?
- 16 A Yes. Any meetings that we needed to attend.
- 17 Q Okay. And this first meeting that you were -- this first  
18 meeting that you attended, did you learn about this in any way  
19 other than seeing it on your schedule?
- 20 A No.
- 21 Q Okay. In your four-and-a-half years' experience at Siren,  
22 did you ever have an optional meeting appear on your schedule?
- 23 A No. The only option was that if we couldn't attend a  
24 meeting that was on our schedule we needed to be at -- at --  
25 present for another meeting.

1 Q Okay. And where did that understanding come from?

2 A Just adhering to my schedule generally because you can be  
3 written up if you're not showing up for your shifts that are  
4 scheduled --

5 Q Okay.

6 A -- or meetings that are scheduled.

7 Q So in your four-and-a-half years with Siren, if you failed  
8 to show up to something that was on your schedule, is that akin  
9 to not showing up for your shift?

10 A Yes.

11 Q And in your experience there at Siren, what would be a  
12 typical discipline for not showing up to your shift?

13 A Typically, it could be anywhere from a verbal warning to  
14 official, like, written warnings, up to and including  
15 termination.

16 Q Okay. Starting with the first meeting that you attended,  
17 do you recall who was present?

18 A Yes.

19 Q Who was that?

20 A My first meeting I remember Mary Clare was in it and so  
21 was Heather Kaufman.

22 Q Okay. So let's start with Mary Clare. Do you know or  
23 recall Mary Clare's last name?

24 A Barth. Yes. Sorry.

25 Q It's --

- 1 A Yes. It is Barth.
- 2 Q Barth. Thank you. And what was her title at the time?
- 3 A That was the -- above an OM. It was the, like, district
- 4 manager equivalent.
- 5 Q Okay. And so she was present for this first meeting?
- 6 A Yes.
- 7 Q And you said Heather Kaufman?
- 8 A Yes.
- 9 Q And what was her title?
- 10 A She was an OM at the time.
- 11 Q What about any other managers or supervisors? Was any
- 12 other managers or supervisors present?
- 13 A Not in that first meeting that I can recall.
- 14 Q And how about partners or employees?
- 15 A There would've been about ten other partners, roughly.
- 16 Q Where did this first meeting take place?
- 17 A It was in the library.
- 18 Q Can you describe the library for us? I don't --
- 19 A Yes.
- 20 Q -- typically think of a library in a coffee shop.
- 21 A Yeah. There's a room that can be closed off that is on
- 22 that downstairs area that I mentioned with the Experience Bar,
- 23 and there is like glass sliding doors. And there's books in
- 24 there, which is why it's called a library. So it's like,
- 25 coffee books, history of the building, things like that.

- 1 Q Is the library ever open to the public?
- 2 A Yes.
- 3 Q Okay. Is there a way to close off the library to have a  
4 meeting in it?
- 5 A Yes.
- 6 Q When the library is closed off, is it -- can you -- can  
7 customers still see the library?
- 8 A Parts of it, yeah.
- 9 Q How so?
- 10 A There's -- two of the doors are glass, and then the others  
11 are wood. So it's kind of like the -- you -- depending on how  
12 the doors are closed, you can see through the glass doors.
- 13 Q Okay. So customers could see that there was a meeting  
14 taking place? Is --
- 15 A Yeah. If they looked.
- 16 Q Am I understanding that correctly?
- 17 A Yeah.
- 18 Q Okay. So in the -- your first meeting about unionization  
19 after the petition, your testimony is, is in the library with  
20 Mary Clare Barth. You said Heather Kaufman and about ten  
21 partners?
- 22 A Yes.
- 23 Q Did you take notes during that meeting?
- 24 A Very, very brief notes, but yes.
- 25 Q Okay. Were you ever told if you were allowed to take

1 notes?

2 A I don't think I was explicitly told. I was also  
3 explicitly told, like, I -- I wasn't told either way if I could  
4 or could not.

5 Q Did anyone prohibit you from taking notes during the  
6 meeting?

7 A No.

8 Q Did any of the managers or supervisor -- visitors there see  
9 you taking notes, to your knowledge?

10 A To my knowledge, yes. I was doing it pretty openly.

11 Q Okay. Do you recall what was discussed at this first  
12 meeting that you attended?

13 A Not exactly. They were split between different -- they  
14 had, like, different topics that they were talking about during  
15 each of the meetings that they scheduled us for. If I -- I --  
16 I should say no. I don't -- I don't exactly remember, so I  
17 don't want to state incorrectly.

18 Q Sure.

19 A Yeah.

20 Q So you don't remember exactly the words that were said  
21 during the --

22 A Yes.

23 Q -- meeting? Do you recall topics that were discussed?

24 A Yeah. The filing process would've been a big one in terms  
25 of, like, the election. What would happen during an election

1 and the method of election as well was a big topic.

2 Q Do you recall any other topics being discussed during that  
3 meeting?

4 A Benefits. Benefits. Sorry.

5 Q Do you recall, specifically, what was discussed about  
6 benefits?

7 A Generally, what was stated was that for benefits across  
8 the board, we could win, lose, or stay the same if we voted to  
9 be represented by the Union.

10 Q And this was specific to this first meeting? The -- the  
11 testimony that you are giving, is this relating to the first  
12 meeting that you attended?

13 A Yes. Yes.

14 Q How long did that meeting last?

15 A On average, they were about an hour. I think that one was  
16 about an hour.

17 Q Okay. Moving on to the second meeting you attended, do  
18 you recall the date?

19 A No.

20 Q Do you recall when it was in relation to the first  
21 meeting?

22 A About a week after, if I remember correctly.

23 Q And how did you learn about this one?

24 A It was on my schedule.

25 Q Did you have any understanding that you could opt not to

1 go to this meeting?

2 A No.

3 Q Did you want to go to this meeting?

4 A No.

5 Q What made you think you didn't have an option?

6 A That it was on my schedule. I didn't want to miss  
7 something that was scheduled and be written up or anything for  
8 it.

9 Q Okay. Where was the second meeting held?

10 A That one, for me, was also in the library.

11 Q And who was present for that one?

12 A I do not recall exactly.

13 Q Do you recall if any managers or supervisors were present?

14 A All of the meetings had at least one OM and typically, one  
15 AM as well.

16 Q So specific to the second meeting, then, did you notice  
17 any of the managers, the OM or the AM present, taking  
18 attendance?

19 A I -- they didn't take attendance explicitly but I knew  
20 that they had lists of who were supposed to be in each of those  
21 meetings.

22 Q How did you know that?

23 A Because I saw them. And they would tell us.

24 Q What would they tell you?

25 A They would tell us that -- like, they would go through the



1 list. I guess they kind of did take attendance because they  
2 would typically go through the list and see if everybody was  
3 there.

4 Q When you say they would go through the list, is this --

5 A They --

6 Q How so?

7 A They would have, like, a list of people -- the AM would  
8 have a list of people who were supposed to be in that meeting  
9 at that time.

10 Q When they were going through the list, was this -- was  
11 this verbally, they were reading through it?

12 A No. It was more, like, I was sitting in close enough  
13 proximity that I could hear them going through the list.

14 Q Where were you sitting in relation to the AM with the  
15 list?

16 A I mean, the room's pretty small, so I think just a few  
17 seats away.

18 Q And this was during the second meeting?

19 A Yeah.

20 Q And you -- do you recall who that AM is?

21 A I -- I don't.

22 Q All right. So -- sorry to do this to you, but we're going  
23 to skip --

24 A No. It's fine.

25 Q -- back to the -- the first meeting for just a second.

1 A Yeah.

2 Q Did you see any attendance list in the first meeting?

3 A Not that I can recall, no.

4 Q And who was the primary spokesperson for the first  
5 meeting?

6 A The first meeting was mostly Mary Clare.

7 Q And for the second meeting, was there a primary  
8 spokesperson?

9 A I -- I honestly -- I -- I can't remember. And I don't  
10 want to answer incorrectly.

11 Q Okay. How many partners were present for that second  
12 meeting?

13 A I would again say typi -- about ten.

14 Q Okay.

15 A That was about what was in most of the meetings.

16 Q Okay. Do you recall the topics that were discussed during  
17 this meeting?

18 A I don't know which one specifically was spoken in this  
19 meeting. I do know that one of the meetings I attended was --  
20 revolved around strikes. That first one was the election, like  
21 we stated. And then I know that we had one for bargaining as  
22 well.

23 Q Your testimony is there were three meetings. Now, you're  
24 saying one was about bargaining, one was -- one revolved around  
25 strikes, and one --

- 1     A     Yes.
- 2     Q     -- was --
- 3     A     The election and --
- 4     Q     Okay.
- 5     A     Yeah. The election.
- 6     Q     Who were the managers present in the meeting that revolved
- 7     around strikes?
- 8     A     I don't remember.
- 9     Q     Do you recall what was discussed around strikes?
- 10    A     Yes. For strikes, it -- the general -- what they were
- 11    saying was that -- and when I say "they", I mean the
- 12    management -- was saying that we would essentially be forced to
- 13    strike across the board if a majority of the Union voted for
- 14    it.
- 15    Q     Do you recall who the managers were that spoke in these
- 16    three meetings that you attended? Do you recall the entire
- 17    group of managers that you heard from?
- 18    A     Like, in general, I know that I heard from Mary Clare,
- 19    Heather, Tory (phonetic throughout) -- Tory Bradenberg
- 20    (phonetic throughout) was in one of mine. I believe Chelsie
- 21    Hulka was in another one of mine.
- 22    Q     Do you recall which of those managers was in which of the
- 23    meeting?
- 24    A     No.
- 25    Q     But you do recall that they were in the meetings?

1 A Yes.

2 Q Okay. In the meeting where there was -- where there was a  
3 discussion around being forced to go on strike, do you recall  
4 management referring to any documents when -- when leading that  
5 meeting?

6 A No.

7 Q Okay. Were they referring to -- they -- you testified  
8 that there was attendance, was that written?

9 A I don't recall.

10 Q Okay. And then finally, the third meeting that you  
11 attended, do you recall the date?

12 A No.

13 Q When was it in relation to the second meeting?

14 A I would again say it was about a week later.

15 Q Okay. And where did that one take place?

16 A I -- I think that one was also in the library for me.

17 Q Any recollection there as to who the managers or  
18 supervisors would have been?

19 A I -- I think that one was Tory Bradenberg.

20 Q And what was Tory's title?

21 A She was an AM.

22 Q Previously, you had mentioned Chelsie. What was Chelsie's  
23 title?

24 A She was an AM.

25 Q Okay. All right. And how many partners present for this

1 meeting?

2 A About ten.

3 Q Okay. How did you learn of this meeting?

4 A It was scheduled.

5 Q Do you recall when you saw it on your schedule?

6 A For this one, it would've been the three weeks prior. So  
7 when the schedule was released three weeks beforehand.

8 Q Okay.

9 A And that would've been for my third one.

10 Q For your third one, you had three weeks' notice. Is there  
11 any significance to having three weeks' notice?

12 A Yes. In Seattle, there are what, as workers, we call,  
13 like, predictability pay laws. I don't know officially what  
14 they're called. But I know that they were offering  
15 predictability pay for the -- especially the first week of  
16 meetings because they were scheduled last minute.

17 Q Can you walk us through what that predictability pay is?  
18 I -- I know you don't have -- you're not a lawyer. You're not  
19 going to offer --

20 A Yes.

21 Q -- any -- any, you know, description of the law. But from  
22 the point of view of an employee who sees it on their schedule,  
23 what does that mean to have predictability pay?

24 A Predictability ess -- essentially means that they  
25 schedule -- they scheduled you too close to -- like, you -- you

1 have to have at least, I believe, two weeks' notice prior to  
2 anything -- new change in your schedule. So that could even be  
3 a change in time of your schedule, a day change, or added  
4 scheduling as well. And then you get paid -- I believe it's an  
5 hour extra -- for that shift as well.

6 Q And does that mean -- and in showing up to a scheduled  
7 meeting subject to predictability pay, an employee would  
8 receive more than their hourly wage for attending that meeting?

9 A Yes.

10 Q Okay. And were you paid for your attendance at all of  
11 these meetings?

12 A Yes.

13 Q Okay. Did you ever ask to not attend these meetings?

14 A No.

15 Q Why was that?

16 A I assumed that they were mandatory because they were in my  
17 schedule.

18 MS. MCBRIDE: Okay. All right. Thank you.

19 I have no further questions for this witness, Your Honor.

20 JUDGE GIANNOPOULOS: All right. Mr. Berger?

21 MR. BERGER: I do have a few questions.

22 **CROSS-EXAMINATION**

23 Q BY MR. BERGER: I believe you go by Melissa, you said?

24 A Yeah.

25 Q Okay. Melissa, there were a few terms that you mentioned.



1 I just want to clarify for the record. Initially, I think you  
2 used the term "café store" and -- and compared it to a drive-  
3 through. Can you -- can you explain what a café store is and  
4 what distinguishes it from a drive-through?

5 A Let me clarify that those are -- those were the same  
6 store. There just was a drive-through and a café area in the  
7 same store. So café would be the like, you could sit down and  
8 have your drinks inside. Drive-through was just drive through  
9 and go to the window.

10 Q Okay. So if I'm following, caf -- café refers to the sit-  
11 down part of the --

12 A Yes.

13 Q -- store? Understood. You used the phrase "brew method"  
14 a couple times. What does that mean?

15 A It's just the different mechanism in which you brew  
16 coffee.

17 Q Okay. And then you used the expression "back of the  
18 house" in -- particularly in reference to the Roastery on --

19 A Um-hum.

20 Q -- Pike Street. What is back of the house and where was  
21 it in the -- that store?

22 A It's the area that only employees can go into. That's  
23 where most of our, like, dishes are done and break rooms are  
24 and offices are.

25 Q All right. You were asked about the number of employees

1 at the Roastery, and I think you said on a busy day, typically,  
2 there'd be 30 to 40 employees --

3 A Yeah.

4 Q -- at any given time; is that correct?

5 A Yeah.

6 Q Okay. My question is, is that just the retail side or is  
7 that inclusive of the manufacturing side as well?

8 A It's just the retail side.

9 Q I see. I'd like to turn your attention back to -- I think  
10 this is General Counsel Exhibit 4. I will have the page for  
11 you momentarily.

12 A Okay.

13 Q It's the discussion about TLAs. Okay. That's page 7 of  
14 28. Do you have that in front of you?

15 A I will. Yes, I do.

16 Q Okay. And looking at the third bubble down, there's a  
17 part that says, "They wouldn't be considered a part of the  
18 theoretical union". Do you have an understanding of who "they"  
19 is in that sentence?

20 A People who are taking advantage of TLA opportunities.

21 Q So as you read it, those Roastery employees -- what Mr. De  
22 La Vega was saying is those Roastery employees who took  
23 advantage of TLA opportunities would necessarily not be a part  
24 of a theoretical union?

25 A Yes.



1 Q Okay. Then I also want to ask you a question about -- oh,  
2 actually, same bubble.

3 A Okay.

4 Q But the -- the last sentence now. There's a reference to  
5 sharing partners. Can you explain what -- what is the  
6 relationship between TLAs and sharing, if any?

7 A Sharing partners typically would just mean that you're  
8 working at a different location than what your normal, like,  
9 home location is. And within Siren Retail it would just be  
10 other Siren Retail locations.

11 Q Okay. So when someone is doing a TLA, are they being  
12 shared with another location?

13 A No. Because they're in a completely different role.

14 Q Okay.

15 A Yeah. They're -- for TLAs they are still considered  
16 employees of the Roastery at the time.

17 Q Do you have an understanding of what the two different  
18 entities Mr. De La Vega was referencing are that's just  
19 immediately before the discussion I'm sharing?

20 A In this, he is referring to TLA partners versus partners  
21 that wou -- or employees that would work at the Reserve  
22 Roastery at the time.

23 Q How do AMs interact with baristas and mixologists on a  
24 daily basis?

25 A They run the floor on a daily basis, which means that



1 they're overseeing the operations of the entire store and each  
2 of the individual counters and their teams.

3 Q Okay. And what do -- what do you mean by overseeing?  
4 What does that entail?

5 A They're making sure operations are running smoothly, that  
6 breaks are being run, and that if there's any concerns from  
7 anybody that they are there to help.

8 Q Did your supervisors or managers ever indicate to you, or  
9 as far as you are aware, to others in any manner, verbal or  
10 written or otherwise, that attendance at the -- any of the  
11 three scheduled meetings was optional?

12 A No.

13 Q Do you know if all Roastery partners were scheduled for  
14 the same number of meetings?

15 A I will say, assuming they weren't on any vacations at the  
16 time, yes.

17 JUDGE GIANNOPOULOS: Yes, you do know?

18 THE WITNESS: Yes. They would've been scheduled for the  
19 same amount of meetings.

20 Q BY MR. BERGER: So every Roastery partner on the retail  
21 side, as far as you're aware, again, barring vacation  
22 exceptions, would -- did, in fact, attend three --

23 A Yes.

24 MR. DILGER: Objection. Calls for speculation.

25 JUDGE GIANNOPOULOS: It -- it does. Sustained.

1 Q BY MR. BERGER: Do you know if any partners were selected  
2 for -- to attend any meetings beyond the three that you  
3 discussed?

4 A Not that I can recall.

5 MR. BERGER: No further questions.

6 JUDGE GIANNOPOULOS: Okay. Mr. Dilger.

7 MR. DILGER: Yes. So we're going to -- I think it's an  
8 appropriate time for lunch -- a break. And then that'll give  
9 us time to read the statements and get back.

10 JUDGE GIANNOPOULOS: All right. So you're asking for  
11 Jencks material?

12 MR. DILGER: Yes.

13 JUDGE GIANNOPOULOS: All right. General Counsel, do you  
14 have Jencks material?

15 MS. MCBRIDE: Yes, Your Honor. There's one affidavit that  
16 is responsive to Jencks. I have a redacted copy, and I have an  
17 unredacted copy for you to res -- to inspect in camera. The  
18 reason for the redactions is ongoing other ULP litigation that  
19 is not at issue here in this complaint.

20 JUDGE GIANNOPOULOS: All right. Bring them up. Do you  
21 have anything else, other than that affidavit, that you are  
22 planning to turn over to Mr. Dilger?

23 MS. MCBRIDE: No, Your Honor.

24 JUDGE GIANNOPOULOS: All right. So let me take a look at  
25 them.

1 All right. Let's do this. There's no reason for the  
2 witness to be on the witness stand while we're talking about  
3 this. So we will take a lunch break.

4 And Ms. Slabaugh, you can step down. There is a  
5 sequestration order in place --

6 THE WITNESS: Um-hum.

7 JUDGE GIANNOPOULOS: -- which means you're not to discuss  
8 your testimony or the facts of this case with anybody as you --  
9 I'm not sure if you were in the room earlier and you heard me  
10 say that.

11 THE WITNESS: Um-hum.

12 JUDGE GIANNOPOULOS: And then -- but you can take your  
13 lunch break now.

14 THE WITNESS: Okay.

15 JUDGE GIANNOPOULOS: And so the affidavit is about seven  
16 pages. Mr. Dilger, I was planning to give you an hour and 15  
17 minutes, but I want you to have lunch as well. So if you come  
18 back or you send one of your associ -- or you send somebody  
19 back -- to tell me that you're still prepping after an hour and  
20 15 minutes, I'll give you more time.

21 MR. DILGER: I appreciate it.

22 JUDGE GIANNOPOULOS: Okay.

23 MR. DILGER: Thank you, Your Honor.

24 JUDGE GIANNOPOULOS: So -- but for purposes of the  
25 witness, plan to be back here at 1:15.

1 THE WITNESS: 1:15?

2 JUDGE GIANNOPOULOS: Okay.

3 THE WITNESS: Okay.

4 JUDGE GIANNOPOULOS: So then let's go off the record for a  
5 second while I just look at these.

6 (Off the record at 12:01 p.m.)

7 JUDGE GIANNOPOULOS: All right. We're back on the record.  
8 Cross-examination, Mr. Dilger.

9 MR. DILGER: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 Q BY MR. DILGER: Good afternoon, Ms. Slabaugh.

12 A Good afternoon.

13 Q My name is Jeff Dilger. I'm a -- an attorney for Siren  
14 Retail. I just want to ask you some questions about your  
15 earlier testimony. The first is that you reviewed General  
16 Counsel Exhibit 4, which is Facebook posts from Elijah De La  
17 Vega, and a series of comments. You reviewed that, correct?

18 A Yes.

19 Q And I just want to -- I think this is what you testified  
20 to but I just want to make sure that I understand. You first  
21 saw this post because you are friends with Mr. De La Vega on  
22 Facebook?

23 A At the time of this post, I was friends with Elijah De La  
24 Vega on Facebook.

25 Q Okay. And that's how you saw it for the first time?



- 1 A Yes.
- 2 Q It was in your feed?
- 3 A Yes.
- 4 Q And -- and this post would've been made very shortly after  
5 the petition was filed, correct?
- 6 A Correct.
- 7 Q In fact, the exact same day?
- 8 A Yes.
- 9 Q And do you remember -- I know on here, it's got -- doesn't  
10 have the time of the comments.
- 11 A Correct.
- 12 Q But do you know how quickly you responded?
- 13 A I don't recall exactly.
- 14 Q Okay.
- 15 A It was within the same day, though.
- 16 Q Okay. And you would agree that you initiated commenting  
17 to the post, correct?
- 18 A I -- yes.
- 19 Q Nobody made you comment on the post?
- 20 A Correct.
- 21 Q And Facebook has an option where you could've muted the  
22 post as well?
- 23 A Correct.
- 24 Q And your first post is, "Hi, friends", correct?
- 25 A Yes. But it continues on.

1 Q Okay.

2 JUDGE GIANNOPOULOS: I think he's just drawing your  
3 attention --

4 THE WITNESS: Okay. Yeah.

5 JUDGE GIANNOPOULOS: -- the start of the line.

6 THE WITNESS: That -- that is the first post. Yeah.

7 Q BY MR. DILGER: Yeah. And it begins with, "Hi, friends"?

8 A Correct.

9 Q And I want to talk about some of the people on here. So  
10 Liza Biagcong. Do you know Liza Biagcong?

11 A Yes.

12 Q And who is Liza Biagcong?

13 A She is a -- she's a packager on the manufacturing side.

14 Q Okay. And how about --

15 JUDGE GIANNOPOULOS: Manufacturing side of what? I'm  
16 sorry.

17 THE WITNESS: Sorry. That is the roasting side of the  
18 Reserve Roastery.

19 JUDGE GIANNOPOULOS: I see. Okay.

20 Q BY MR. DILGER: And who is Susan Townsend?

21 A She is a roaster on that same manufacturing side.

22 Q Okay.

23 JUDGE GIANNOPOULOS: At the roastery that you worked at?

24 THE WITNESS: Yes.

25 JUDGE GIANNOPOULOS: Okay.

1 Q BY MR. DILGER: Are you Facebook friends with Liza  
2 Biagcong?

3 A Yes.

4 Q How about Ms. Townsend?

5 A Yes.

6 Q And who is K.J. Cohen?

7 A K.J. was one of my fellow partners at the Roastery.

8 Q And when you say "was" that's because you not -- you're no  
9 longer employed at the Roastery; is that correct?

10 A Correct. And neither are they.

11 Q Okay. And neither. If you could turn to page -- do you  
12 have General Counsel Exhibit 4 --

13 A I have it right here. Yeah.

14 Q -- in front of you? Okay. If you could turn to page 17.

15 A I am on 17.

16 Q Do you know who Leticia Lazcano is?

17 A No. I do not.

18 Q Does Leticia work at the Roastery?

19 A No.

20 MS. MCBRIDE: Objection, Your Honor. She just testified  
21 she doesn't know who she is.

22 JUDGE GIANNOPOULOS: That's all right. Overruled.

23 Q BY MR. DILGER: Rosalva Palomo?

24 A I do not know her -- or them.

25 Q How about turning to the next page -- page 18.



1 A Page 18, I'm on.

2 Q Anton Coleman. Do you know this person?

3 A Yes.

4 Q And who is Anton Coleman?

5 A He also used to work at the Reserve Roastery with me.

6 Q Okay. And was Mr. Coleman employed at the time of the  
7 union election employed at The Roastery?

8 A No, he was not.

9 JUDGE GIANNOPOULOS: Not at the time it was posted on the  
10 14th?

11 THE WITNESS: No, he was not.

12 JUDGE GIANNOPOULOS: Okay.

13 MR. DILGER: Turning to page 19.

14 JUDGE GIANNOPOULOS: The other people -- sorry to  
15 interrupt. The other people you identified as having work --  
16 as working there, were they working there at that -- the time  
17 of the petition was filed, the time that this -- that this  
18 comment was made?

19 THE WITNESS: K.J. was. Anton was not.

20 JUDGE GIANNOPOULOS: Okay.

21 THE WITNESS: Yeah.

22 JUDGE GIANNOPOULOS: All right. Go ahead, Counsel. Sorry  
23 for interrupting.

24 MR. DILGER: No problem.

25 Q BY MR. DILGER: Turning to page 19.

1 A Um-hum.

2 Q Do you know who Brittney Zeller is?

3 A Yes.

4 Q And who is Britney Zeller?

5 A She also worked with me at the Reserve Roastery for a  
6 while.

7 Q Yeah. And was she employed at the Reserve Roastery at the  
8 time the petition was filed?

9 A No, she was not.

10 Q Okay.

11 JUDGE GIANNOPOULOS: How about Liza Biagcong?

12 THE WITNESS: Liza -- Liza was and is still employed --

13 JUDGE GIANNOPOULOS: Okay.

14 THE WITNESS: -- at the Starbucks --

15 JUDGE GIANNOPOULOS: All right.

16 THE WITNESS: -- at the Reserve Roastery.

17 Q BY MR. DILGER: And just to clarify, Liza works on the  
18 manufacturing side?

19 A Correct.

20 Q So was not in the petition for a unit?

21 A Correct.

22 JUDGE GIANNOPOULOS: Could I -- and I probably should  
23 have; what is the man -- what are they manufacturing?

24 Manufacturers site of -- what and what do they do over there?

25 THE WITNESS: So they're the ones that roast coffee.

1 JUDGE GIANNOPOULOS: Oh. All right.

2 THE WITNESS: The roast and package coffee.

3 JUDGE GIANNOPOULOS: Okay.

4 THE WITNESS: Yeah.

5 JUDGE GIANNOPOULOS: All right. Makes sense.

6 THE WITNESS: Yes.

7 Q BY MR. DILGER: And turn to page 26.

8 A Um-hum. I'm on pa -- sorry.

9 Q Do you --

10 A I'm on page 26.

11 Q Do you know who Megan Kochanek is?

12 A Yes.

13 Q And who is Megan Kochanek?

14 A She worked with me at the Reserve Roastery. Was not

15 employed with Starbucks at the time of this post.

16 Q Okay. And wasn't employed by the -- by Siren retail

17 through the election?

18 A Correct. Was not.

19 Q Did her employment pre-date the petition?

20 A Yes.

21 Q Okay. And turning the page 27.

22 A Um-hum.

23 Q Do you know who Ryan Van Bui is?

24 A Yes.

25 Q Who is Ryan Van Bui?

1 A Ryan works at the -- or worked at the soda reserve store,  
2 which is another Siren Retail location on the first floor of  
3 Starbucks Corporation.

4 Q Okay. And was Ryan Van Bui employed by Siren retail on  
5 February 14th?

6 A No.

7 JUDGE GIANNOPOULOS: So are you saying another Siren  
8 Retail location in Seattle?

9 THE WITNESS: Yes.

10 JUDGE GIANNOPOULOS: Okay. All right.

11 MR. DILGER: Correct.

12 Q BY MR. DILGER: And then on page 27, do you know Stephanie  
13 Alvarez?

14 A No.

15 Q Are you friends with any other -- or well, I guess, why  
16 don't we clarify this. On February 14th, 2022, were you  
17 friends with any other associate managers at Siren Retail?

18 JUDGE GIANNOPOULOS: Well, and why don't you clarify it  
19 even more? Friends is -- do you mean Facebook friends --

20 MR. DILGER: Friends of Facebook.

21 JUDGE GIANNOPOULOS: -- or do you mean, like, social  
22 friends?

23 MR. DILGER: Yes. Friends on Facebook. Thank you, Your  
24 Honor.

25 THE WITNESS: I -- I do not -- I do not believe so.

1 Q BY MR. DILGER: Okay. How about any of the OMs?

2 A No. Definitely not.

3 Q How about Mary Clare?

4 A No.

5 Q Were you friends, or did you follow, have access to social  
6 media pages for any other AMs other than Facebook on February  
7 14, 2022?

8 A The only other place would be Instagram.

9 Q Okay. And which associate managers would you have had  
10 access to through Instagram?

11 A Elijah, Chelsie Hulka, and probably Ali Jean (phonetic),  
12 as well. She was also working at the Roastery.

13 Q Okay. And how about any Ops managers?

14 A On Instagram, Heather.

15 Q Heather's last -- last name?

16 A Sorry. Heather Kaufman.

17 Q How about Mary Clare?

18 A No.

19 Q So of those individuals that you identified as having  
20 access to on Instagram, are you aware of any other social media  
21 posts made by those individuals related to the Union petition?

22 A No.

23 Q After these comments that are part of General Counsel  
24 Exhibit 4 were made, did you take screenshots of those comments  
25 yourself?

1 A I don't remember doing that, no.

2 Q And do you recall giving an affidavit in this matter to  
3 the National Labor Relations Board?

4 A Yes.

5 Q And that was given on March 1st, of 2022?

6 A I personally don't remember the exact day, but it would be  
7 on the affidavit.

8 Q All right. And if I represent that's the date that was  
9 listed on here --

10 A Okay.

11 Q -- that's the date that you signed it?

12 A Yes.

13 MR. DILGER: And may I approach the witness?

14 JUDGE GIANNOPOULOS: Yes. And I'd like to have a copy.  
15 Whenever people get impeached or cross-examined with the  
16 writing, I'd like to have a copy to see what's going on.

17 MS. MCBRIDE: Your Honor, I don't have additional copies.

18 JUDGE GIANNOPOULOS: All right.

19 MS. MCBRIDE: I didn't know that they would be used for  
20 impeachment purposes.

21 JUDGE GIANNOPOULOS: All right. Well, you can certainly  
22 get one.

23 MS. MCBRIDE: Yes, I can, Your Honor.

24 (Counsel confer)

25 MS. MCBRIDE: And I don't think he should use this --



1 MR. DILGER: Yeah.

2 MS. MCBRIDE: -- version --

3 MR. DILGER: Yes.

4 MS. MCBRIDE: -- to show the witness because Jeff  
5 accidentally wrote on it.

6 MR. DILGER: I accidentally underlined a line.

7 JUDGE GIANNOPOULOS: All right. So let's bring another  
8 couple of copies down.

9 MS. MCBRIDE: Okay. Let's take a couple of minutes. Go  
10 off the record.

11 (Off the record at 1:57 p.m.)

12 JUDGE GIANNOPOULOS: All right. Off the record, I asked  
13 Mr. Dilger if he could move on to some other topics of  
14 cross-examination while we're waiting for copies of the  
15 affidavit to -- to come, and he graciously agreed to do so.  
16 But go ahead, Mr. Dilger. Then I'll let you come back.

17 MR. DILGER: Very good. Thank you, Your Honor.

18 **RESUMED CROSS-EXAMINATION**

19 Q BY MR. DILGER: Ms. Slabaugh, if I could turn to looking  
20 at GC Exhibit 4 again.

21 A Um-hum.

22 Q Page 7. And this is really -- it's kind of about this,  
23 but it's also kind of about the mechanics of Facebook.

24 A Okay. I'm on page 7.

25 Q So I believe there was testimony earlier about the meaning



1 of the blue highlighted name --

2 A Um-hum.

3 Q -- do you recall that?

4 A Yes.

5 Q And you use Facebook pretty regularly?

6 A Yes.

7 Q Okay. And even looking up here, your top post on page 7,  
8 has Liza Biagcong tagged, correct?

9 A Yes.

10 Q And I guess my question is, is that -- when Liza is tagged  
11 here, is that just a function of the fact that you were  
12 replying to something that Liza had posted on?

13 A Yes.

14 Q And so it was automatic?

15 A Yes. That happens automatically.

16 JUDGE GIANNOPOULOS: Does it not happen also automatically  
17 if you're typing someone's name in?

18 THE WITNESS: I -- yes.

19 JUDGE GIANNOPOULOS: I -- I --

20 THE WITNESS: You can, yeah, you can type someone's name  
21 in, and it'll pop up. And you can tag them.

22 JUDGE GIANNOPOULOS: Okay.

23 THE WITNESS: Yeah.

24 Q BY MR. DILGER: Yeah. And I guess just what it comes down  
25 to when it -- I believe, what the testimony was with regards to



1 Mr. De La Vega's post, is that based on this alone, you can't  
2 tell if he typed your name or if he was -- just hit reply?

3 A Yeah. Correct.

4 JUDGE GIANNOPOULOS: So you don't know if he purposely  
5 tagged you --

6 THE WITNESS: Yes.

7 JUDGE GIANNOPOULOS: -- or if it just popped up  
8 automatically?

9 THE WITNESS: Yeah.

10 JUDGE GIANNOPOULOS: Okay. That's fine.

11 Q BY MR. DILGER: Well, what we do know is that that -- that  
12 this post on page 7 was made in a long string of comments?

13 A Correct.

14 Q That we're, in fact, already replies to it looks like the  
15 original comment from Liza Biagcong on page 2?

16 A Sorry, I'm just looking at it.

17 (Counsel confer)

18 A Yes. It what it looks like.

19 Q And -- and we know that because Liza Biagcong is indented  
20 a little bit more to the left than the following comments --

21 A Correct.

22 Q -- correct?

23 A Yes. Correct.

24 Q And then in terms of pagination or margin -- margin, it's  
25 that same margin all the way down from Ms. Biagcong's first

1 comment to the comment that we were discussing on page 7?

2 A Yes.

3 Q Okay. And then at -- at the time that you filed the  
4 petition, you knew that -- or not you, but the Union, right --  
5 at the time the petition was filed, at the time that you  
6 engaged in this discussion --

7 A Um-hum.

8 Q -- you knew that the manufacturing site of The Roastery  
9 was a totally different corporate entity from the retail side?

10 A Yes.

11 Q And in fact, that's documented in your posts here?

12 A It is.

13 JUDGE GIANNOPOULOS: And can you explain that to me? Like  
14 when you say corporate entity, it was a different subsidiary or  
15 a different company than Siren Retail?

16 THE WITNESS: Yes. So Starbucks is, like, umbrella --

17 JUDGE GIANNOPOULOS: Okay.

18 THE WITNESS: -- and then there are branches underneath  
19 Starbucks. One of them is Starbucks Manufacturing, which is  
20 the manufacturing -- what I've been referring to --

21 JUDGE GIANNOPOULOS: The roasting and packaging.

22 THE WITNESS: The roasting and packaging side --

23 JUDGE GIANNOPOULOS: Okay.

24 THE WITNESS: -- of The Roastery. And we, on the cafe  
25 side of the Siren -- or the Starbucks, their Roastery, were

1 under Siren Retail.

2 JUDGE GIANNOPOULOS: Okay. Thank you.

3 THE WITNESS: Yes.

4 MR. DILGER: Are the Jencks statements ready or we  
5 still --

6 MS. MCBRIDE: They are.

7 MR. DILGER: Okay.

8 MS. MCBRIDE: The copies are made.

9 MR. DILGER: Okay. Very good. I accidentally wrote on  
10 them. That's why I needed extra copy, so I don't want to use  
11 that with the witness.

12 JUDGE GIANNOPOULOS: Thank you.

13 Q BY MR. DILGER: All right. Ms. Slabaugh, you testified  
14 earlier that you provided an affidavit on this matter, correct?

15 A Correct.

16 Q And we discussed that that was on March 1st --

17 A Correct.

18 Q -- of 2022. That's when it was dated.

19 A Um-hum.

20 Q And you were aware when you signed it that this was --  
21 this was signed under penalty of perjury, correct?

22 A Yes. Yes.

23 Q And you had a chance to review this affidavit before you  
24 signed it?

25 A Yes.



1 Q All right. And in fact, you made some changes to it,  
2 correct?

3 A I personally did not, no.

4 Q Okay. But you -- you commented that there were some words  
5 to be changed?

6 A On the affidavit, I don't recall doing that.

7 JUDGE GIANNPOULOS: So why don't you show her. There's  
8 some comment boxes --

9 THE WITNESS: Yeah.

10 MR. DILGER: Yeah.

11 THE WITNESS: Oh, oh, oh. When I went back. Okay.

12 MR. DILGER: Yes.

13 THE WITNESS: I understand what you're saying. Yes.

14 Q BY MR. DILGER: And so on page 2, that's an example?

15 A Yes.

16 Q Okay. And so you knew that you could go back and correct  
17 it if it was wrong --

18 A Yes.

19 Q -- correct?

20 A Correct.

21 Q And you did do your best to tell the truth in your  
22 affidavit?

23 A Correct.

24 Q And you did tell the truth in your affidavit?

25 A Yes.

1 Q And so I'll direct to you on page 4, line -- line 61. If  
2 you could start reading at this and take it through the end of  
3 the sentence on 63.

4 A Okay. "This started a larger thread of conversation  
5 between me and De La Vega. I have provided screenshots of this  
6 conversation."

7 Q Okay. And the -- what you were referencing there was a  
8 Facebook exchange that you had with Mr. De La Vega?

9 A Yes.

10 Q And you testified earlier that you didn't have  
11 screenshots. But then your affidavit says that you do have  
12 screenshots.

13 A Yes.

14 Q Can you explain the discrepancy?

15 A I didn't remember currently having taken those  
16 screenshots, but I would defer to what I said in the affidavit,  
17 as I did.

18 Q Okay. And so at some point, you did take screenshots --

19 A Yes.

20 Q -- of -- of the conversation. And do you remember, did  
21 you take a screenshot of the entire conversation up to March  
22 1st?

23 A I'm going to say yes.

24 Q Okay. And would you have provided that to the National  
25 Labor Relations Board?

1 A Yes.

2 Q Okay.

3 MR. DILGER: At this point, Your Honor, I would renew the  
4 objection with regard to General Counsel 4, which was our  
5 document, when there apparently is better evidence available  
6 that the actual witness could have authenticated. And so I'd  
7 move to strike GC Exhibit 4, and request that the General  
8 Counsel submit the documents that were actually submitted and  
9 could be authenticated by Ms. Slabaugh.

10 JUDGE GIANNOPOULOS: I don't -- General Counsel, what  
11 would you like; do you have anything to say?

12 MS. MCBRIDE: Yes, Your Honor. We did -- excuse me. Ms.  
13 Slabaugh did go through and authenticate GC-4. She did  
14 testify, after reviewing carefully each and every page, that  
15 she saw these posts, and the real time as they were made. She  
16 testified that she reviewed each one. That she had previously  
17 seen these comments and this post. That she was familiar with  
18 it. And she identified it for exactly what it was. And it was  
19 then admitted.

20 JUDGE GIANNOPOULOS: All right. Is there any  
21 difference -- I don't have GC-3 in front of me. Is there any  
22 difference between GC-4 and GC-3?

23 MS. MCBRIDE: No, Your Honor.

24 JUDGE GIANNOPOULOS: Okay. I think that she did -- she  
25 did say she read them. She, I think, authenticated them. GC-4

1 is in, but General Counsel, do you have screenshots provided  
2 from this witness that are referenced in the affidavit?

3 MS. MCBRIDE: Your Honor, they were not along with the --  
4 with the affidavit. The screenshots were not attached to any  
5 communication from the witness or the affidavit. But I will  
6 offer at the -- the next break to, again, ensure they are not  
7 in the case file. As I have already done.

8 JUDGE GIANNOPOULOS: All right. So go back and look  
9 through the case file and see if you have any screenshots  
10 that -- that were provided from -- by this witness that are  
11 referenced in the affidavit.

12 And it's -- I think that -- I think that Mr. Dilger has a  
13 right to look at them because they're referred to in the  
14 affidavit.

15 MS. MCBRIDE: Absolutely, Your Honor.

16 JUDGE GIANNOPOULOS: I mean, this is adopted. I mean,  
17 they're not specifically adopted. They don't say attached to  
18 Exhibit or the screenshots, but it says, I provided screenshots  
19 of this conversation. Now, it's unclear who she provided them  
20 to. I don't know. Maybe she gave them to you, and not to you.  
21 But if you have them, if they're in your case file, go back and  
22 look. And if so, come back and give them to Mr. Dilger so he  
23 can look at them.

24 MS. MCBRIDE: Yes, Your Honor.

25 JUDGE GIANNOPOULOS: But I think she sufficiently laid the

1 foundation for having seen it. It's obviously on Facebook and  
2 not printed out in GC-4. But your objection is preserved in  
3 the record. But it's overruled.

4 All right. Next question, Mr. Dilger.

5 MR. DILGER: Thank you, Your Honor.

6 Q BY MR. DILGER: The next thing that I want to turn to is  
7 that you testified about -- about meetings that you went to  
8 related to --

9 A Um-hum.

10 Q -- the Union that were led by associate managers,  
11 operations managers, the managing director of The Roastery. Do  
12 you recall that?

13 A Yes.

14 Q Now, one question that I just have at the start is that  
15 you testified about that here today, but your affidavit was  
16 given on March 1st, 2022, before any meetings with the Employer  
17 took place, correct?

18 A Yes.

19 Q And I guess my -- my first question is, after March 1st,  
20 did you ever meet with anybody from the General Counsel or from  
21 the National Labor Relations Board to discuss the allegations  
22 regarding the meetings?

23 MS. MCBRIDE: Objection, Your Honor.

24 JUDGE GIANNOPOULOS: Yeah, I think it's sustained. You  
25 can -- you can certainly ask her if she gave another affidavit.



1 Q BY MR. DILGER: Yeah. Did you -- did you provide another  
2 affidavit to the National Labor Relations Board regarding the  
3 employee meetings?

4 A No. I did not do an official affidavit.

5 JUDGE GIANNOPOULOS: Did you provide any written  
6 statements to a Board NLRB agent about any of the meetings or  
7 anything else?

8 THE WITNESS: Not that I recall.

9 JUDGE GIANNOPOULOS: Okay.

10 Q BY MR. DILGER: Do you know whether or not your interview  
11 or your discussions with the National Labor Relations Board  
12 were recorded?

13 A I do not know.

14 Q Okay. Was anybody -- when -- when you gave or when you  
15 discussed the allegations was -- with the NLRB, was anybody  
16 other than the Union's lawyer and an attorney from the NLRB  
17 present?

18 MR. BERGER: Objection.

19 JUDGE GIANNOPOULOS: On the basis of?

20 MR. BERGER: That potentially invades section --  
21 protected Section 7 activity.

22 JUDGE GIANNOPOULOS: Well, don't -- don't give any name.  
23 That's -- it was just a yes-or-no question. So that doesn't --  
24 that doesn't invade any privacy. The -- the answer is just a  
25 yes or no question. So before you go any further, that's just

1 a yes or no question.

2 THE WITNESS: Okay. Can you repeat the question for me?

3 Q BY MR. DILGER: Yes. When you met with the National Labor  
4 Relations Board to discuss employee meetings, was anyone other  
5 than the attorney for the Union and the attorney for the NLRB  
6 present?

7 A No.

8 Q But in any event, if you did have a discussion, there was  
9 no affidavit as we've discussed?

10 A I do not have an affidavit for that, no.

11 Q When it comes to the meetings, I just have a handful of  
12 additional questions, which is, did you ever show up to a  
13 meeting late?

14 A Not that I recall.

15 Q Okay. And -- and I should be more specific. Did you ever  
16 show up to one of the employee meetings that's alleged to have  
17 been unlawful late?

18 A Not that I recall.

19 Q Did you ever switch which meeting you would go to instead  
20 of your scheduled meeting?

21 A I believe I did once.

22 Q Okay. And did you have to go discuss whether or not you  
23 were going to switch with somebody?

24 A Yes.

25 Q Okay. And who did you discuss that with?



1 A It would have been Topher or Scott Underriter at the time.

2 Q Okay. And did Topher or Scott have a response when you  
3 said, hey, I'm not going to make it?

4 A They just said I had to attend a different meeting -- or  
5 gave me options for other meetings to attend.

6 Q The meetings that you ultimately attended were during a  
7 regularly scheduled time; is that correct?

8 A They were on my schedule. I don't know what you mean by  
9 regularly scheduled time.

10 Q They would have occurred during your shift?

11 A Most of them did occur during my shift.

12 JUDGE GIANNOPOULOS: What -- does that mean there were  
13 some that didn't occur during your shift?

14 THE WITNESS: Well, for me, the ones that I attended were  
15 during my shift. I should rephrase that.

16 JUDGE GIANNOPOULOS: Okay. All right. That's what we  
17 want to know.

18 THE WITNESS: Okay. Thank you.

19 Q BY MR. DILGER: Now, I know you testified before that if  
20 you don't show up to meetings, you can be written up. To your  
21 knowledge, was anybody written up for not attending an employee  
22 meeting --

23 A Not to --

24 Q -- related to the Union?

25 A No. Not to my recollection.

1 Q You testified earlier that you took notes during the  
2 employee meetings.

3 A I generally take notes during meetings, yes.

4 Q Okay. And you did take notes in these particular  
5 instances, the three meetings that you testified about?

6 A I would have at the time, yeah.

7 Q Okay. Did you provide those notes to anybody?

8 A I did not.

9 JUDGE GIANNOPOULOS: Did you review those notes in  
10 preparation of your testimony today?

11 THE WITNESS: I did not.

12 JUDGE GIANNOPOULOS: All right.

13 Q BY MR. DILGER: I want to talk about the -- the dynamic of  
14 the meetings. So at the meetings, did you have an opportunity  
15 to make statements yourself?

16 A Yes.

17 Q And did you?

18 A Yes.

19 Q Were you able to express your opinion regarding  
20 unionization?

21 MS. MCBRIDE: Objection, Your Honor. On relevance.

22 JUDGE GIANNOPOULOS: On what -- basis? No, overruled. I  
23 mean, I think it's the General Counsel that's -- that's --  
24 that's, you know, asking partly to change -- that the law be  
25 changed, correct?

1 MS. MCBRIDE: That's correct, Your Honor.

2 JUDGE GIANNOPOULOS: So the -- the Respondent has every  
3 right to make their defense. I guess it's a defense. But if  
4 it's going to change the law, they have every right to, in  
5 essence, argue that these meetings were not coercive and that  
6 the attendance not coerced. Over -- overruled.

7 Go ahead, Mr. Dilger.

8 THE WITNESS: I'm sorry. Can you repeat the question?

9 MR. DILGER: Mr. Court Reporter, can you read back the  
10 question?

11 JUDGE GIANNOPOULOS: It's difficult sometimes for him to  
12 do so.

13 MR. DILGER: Understood.

14 JUDGE GIANNOPOULOS: You haven't -- you --

15 MR. DILGER: I will -- I'll ask it again.

16 THE WITNESS: I just want to make sure I answer it  
17 properly.

18 JUDGE GIANNOPOULOS: Yeah.

19 Q BY MR. DILGER: At the meetings, you had an opportunity to  
20 make statements, correct?

21 A Yes. Yes, I did.

22 Q Statements related to the Union?

23 A Yes.

24 Q And to share your opinions about the Union?

25 A I -- I personally -- yeah, I did. Yes.

1 Q Okay. And you were not the only one who was able to share  
2 your opinion if they wanted to, correct?

3 A That's correct.

4 Q But would you agree that the general nature of the  
5 meetings was that everybody was able to discuss their opinions  
6 about the Union in the workplace?

7 A Generally speaking, yes.

8 Q And specifically, with regards to you, that's true for  
9 you?

10 A Yes. I personally felt comfortable in sharing my opinions  
11 during the meetings.

12 Q During any of the meetings that you attended, did any of  
13 your colleagues have the opportunity to -- or did any of your  
14 colleagues have talking points that they received from the  
15 Union?

16 MS. MCBRIDE: Objection, Your Honor. That speculates that  
17 there were, first of all, we're talking points, and goes on to  
18 call for where those would have come from to any of her  
19 colleagues. Which the witness has not testified even existed.

20 JUDGE GIANNOPOULOS: Yeah. Lay some foundation.

21 MR. DILGER: Okay.

22 JUDGE GIANNOPOULOS: Lay some foundation about, did she  
23 see anybody with documents in their hands, et cetera, et  
24 cetera.

25 Q BY MR. DILGER: During the Union organizing campaign, did

1 the Union provide materials to -- to certain partners to -- to  
2 respond to some of the discussion in the employee meeting?

3 MS. MCBRIDE: Objection, Your Honor. Certain partners is  
4 both vague and calls for speculation, and it is not the  
5 question that was previously.

6 JUDGE GIANNOPOULOS: Well, it wasn't. But -- but Mr.--  
7 Mr. Berger, what -- what say you?

8 MR. BERGER: I mean, I would object on the same basis, and  
9 also that it calls for an invasion of Section 7 activity.  
10 Because it's about the transmission of --

11 JUDGE GIANNOPOULOS: It -- it does event. It does event.  
12 During these meet -- during the meetings, ma'am, the meetings  
13 that you testified about, the groups meetings that -- that the  
14 company had employees come into -- well, if -- why don't you  
15 actually step out for a second? Step out of the room.

16 THE WITNESS: Sure. Got it.

17 (Counsel confer)

18 JUDGE GIANNOPOULOS: All right. Let the record reflect  
19 that the witness has stepped out of the room.

20 Mr. Dilger, why don't you make an offer of proof as to  
21 what -- where you're going with these claims?

22 MR. DILGER: Absolutely. The offer of proof is that -- it  
23 is that the Union provided talking points that were directly  
24 responsive to the topics being discussed in the meetings to  
25 certain partners in order for them to be read and provide a

1 rebuttal for the Employer's presentation, and that those were,  
2 in fact, read during the employee meetings at issue here, and  
3 that the Employer permitted it.

4 JUDGE GIANNOPOULOS: Okay. Why don't you give me -- let's  
5 go off the record for a second, please.

6 (Off the record at 2:38 p.m.)

7 JUDGE GIANNOPOULOS: All right. We're back on the record.  
8 Go ahead, Mr. Dilger.

9 MR. DILGER: Thank you.

10 **RESUMED CROSS-EXAMINATION**

11 Q BY MR. DILGER: Ms. Slabaugh, did the Union, at any point  
12 prior to these meetings, provide you with talking points for  
13 discussion at the Employer meetings?

14 A Not directly that I can recall.

15 Q Okay. Are you aware of the Union providing talking points  
16 in preparation for these meetings to any other partners at The  
17 Roastery?

18 A Not that I can recall.

19 Q Did you ever, at any of the Employer meetings that you  
20 were at, witness partners reading their thoughts from a piece  
21 of paper? Nonmanagement, nonsupervisory.

22 A What do you -- I'm sorry, I don't understand the question.

23 JUDGE GIANNOPOULOS: He said, during the meetings that you  
24 testified about --

25 THE WITNESS: Yes.



1 JUDGE GIANNOPOULOS: -- did you see any of your coworkers,  
2 when they were either asking questions or having discussions  
3 with the managers or whoever was running the meeting, have  
4 papers in their hand, or maybe an iPad in their hand, or a  
5 phone in their hand, and either reading from the papers or from  
6 their electronic device when they were having the discussions  
7 with the manager or whoever was running the meeting? Did you  
8 ever see that? And that's really yes or no.

9 THE WITNESS: No. Not that I recall.

10 JUDGE GIANNOPOULOS: All right. And if I paraphrased that  
11 wrong, Mr. Dilger, you can follow. I'm sorry.

12 MR. DILGER: I appreciate it. We can move on.

13 Q BY MR. DILGER: One thing that I want to explore with you,  
14 Ms. Slabaugh, is you testified earlier about whether -- there  
15 was testimony -- I think the question was, did you want to go  
16 to these meetings? And ultimately, your answer was no. But  
17 there was a little hesitation that I noted. And I guess I just  
18 had a question about that. You've identified yourself at this  
19 hearing as one of the Union organizers, correct?

20 A Correct.

21 Q And you were open about that even during the campaign,  
22 correct?

23 A Correct.

24 Q And as part of that strategy, right, you're trying to have  
25 discussions with partners about why they should join a union,

1 correct?

2 MS. MCBRIDE: Objection, Your Honor.

3 JUDGE GIANNOPOULOS: On what basis?

4 MS. MCBRIDE: Her role as an organizer is not in any way  
5 at issue --

6 JUDGE GIANNOPOULOS: Well --

7 MS. MCBRIDE: -- in the complaint. And the question is  
8 going well beyond what her testimony was.

9 JUDGE GIANNOPOULOS: Well, now, I think -- overruled.  
10 Overruled.

11 MR. BERGER: Can I speak to that?

12 JUDGE GIANNOPOULOS: Sure. Go ahead, Mr. Berger.

13 MR. BERGER: The question also asked what her -- the Union  
14 strategy was when she was --

15 JUDGE GIANNOPOULOS: All right. I don't want to know  
16 about the Union strategy, but when you were at work, I mean, as  
17 an open union organizer, you were supporting the Union?

18 THE WITNESS: Yes.

19 JUDGE GIANNOPOULOS: All right. And you had those  
20 discussions with your coworkers?

21 THE WITNESS: I had open discussions with people that had  
22 questions.

23 JUDGE GIANNOPOULOS: Yeah. All right. It was no secret  
24 at work --

25 THE WITNESS: No.

1 JUDGE GIANNOPOULOS: -- that you were a supporter?

2 THE WITNESS: Certainly not. No.

3 JUDGE GIANNOPOULOS: Go ahead, Mr. Dilger.

4 Q BY MR. DILGER: And yet you testified that you didn't want  
5 to go to these meetings?

6 A Correct.

7 Q Okay. Despite the fact that these meetings would give you  
8 an opportunity to learn what the Employer was talking about?

9 MS. MCBRIDE: Objection. It has not been established that  
10 that was the purpose of the meeting --

11 JUDGE GIANNOPOULOS: It's --

12 MS. MCBRIDE: -- nor that the witness understood that.

13 JUDGE GIANNOPOULOS: All right. It's cross-examination.  
14 If she didn't understand -- this is a very smart woman here.  
15 If she didn't understand this, she'll say it. Overruled.

16 THE WITNESS: I did not want to go because I didn't -- I  
17 knew that it was going to be adversarial, and I did not want  
18 that. And it's just something that it -- I -- I was happy to  
19 have conversations with people in a less formal basis. But  
20 that was a very formal basis, for management was there. And it  
21 was mildly intimidating, whether or not I felt comfortable with  
22 my personal beliefs in the meeting. So it was not the most  
23 comfortable position to be in.

24 Q BY MR. DILGER: Did you ever ask to be excused from a  
25 meeting because you felt uncomfortable?

1 A No.

2 Q Ms. Slabaugh, do you have a Twitter account?

3 A Yes.

4 Q It's a public Twitter account?

5 A Yes.

6 Q Have you posted about today's hearing on Twitter?

7 A Yes.

8 Q Okay.

9 (Counsel confer)

10 MR. DILGER: May I approach, Your Honor?

11 JUDGE GIANNOPOULOS: Yes.

12 Q BY MR. DILGER: Ms. Slabaugh, I'm showing you a document  
13 that's been marked as Respondent's Exhibit 1. And if you could  
14 just read to yourself the tweet at the top of the -- or the --  
15 the centerpiece of this page.

16 A Yes.

17 Q Is that one of your tweets?

18 A Yes.

19 Q Is that true and correct copy of a tweet that you sent two  
20 days ago?

21 A Yes.

22 MR. DILGER: I offer Respondent's Exhibit 1.

23 JUDGE GIANNOPOULOS: All right. Any objections from Mr.  
24 Berger?

25 MR. BERGER: Yes. On relevance.

1 JUDGE GIANNOPOULOS: All right. Any objections from the  
2 General Counsel?

3 MS. MCBRIDE: I also object on relevance, Your Honor.

4 JUDGE GIANNOPOULOS: All right. Is that the only  
5 objection you have? Because then I'll let -- let's -- let me  
6 wait to hear all of them before I ask Mr. Dilger to speak.

7 MS. MCBRIDE: I also object on hearsay, Your Honor, and  
8 would like a chance to voir dire.

9 JUDGE GIANNOPOULOS: You can voir dire. I mean, she's  
10 identified it. I guess, you know, technically, I don't know,  
11 hearsay, but it is what it is. You can voir dire if you want.

12 MS. MCBRIDE: Okay.

13 **VOIR DIRE EXAMINATION**

14 Q BY MS. MCBRIDE: All right. Ms. Slabaugh, is -- there's  
15 no -- do you see a date on this document anywhere?

16 A No.

17 Q Okay. Are you familiar with the tweet that appears below  
18 yours?

19 A No.

20 Q All right.

21 JUDGE GIANNOPOULOS: And that looks to me like just a --  
22 an advertisement.

23 THE WITNESS: Yeah.

24 MS. MCBRIDE: Okay.

25 JUDGE GIANNOPOULOS: A promoted tweet. I should -- I

1 know. I'm embarrassed to admit my personal knowledge of  
2 Twitter.

3 MR. DILGER: Aren't we all.

4 JUDGE GIANNOPOULOS: Exactly.

5 Q BY MS. MCBRIDE: And was this --

6 JUDGE GIANNOPOULOS: All right. Let me ask you, Mr.  
7 Slabaugh. This was done before you came here today?

8 THE WITNESS: Yeah.

9 JUDGE GIANNOPOULOS: Okay. Have you tweeted since my  
10 admonition this morning about having any discussions about the  
11 hearing?

12 THE WITNESS: No.

13 JUDGE GIANNOPOULOS: Okay. All right. What do you want  
14 to know about your voir dire? Do you know when this happened;  
15 when this tweet occurred? Give me an estimate.

16 THE WITNESS: A few days ago. This last week.

17 JUDGE GIANNOPOULOS: All right. It says this Thursday.  
18 So --

19 THE WITNESS: Yeah.

20 JUDGE GIANNOPOULOS: -- sometime between last Thursday and  
21 today?

22 THE WITNESS: Correct. Yeah.

23 JUDGE GIANNOPOULOS: All right.

24 MS. MCBRIDE: Okay. Nothing else, Your Honor.

25 JUDGE GIANNOPOULOS: Okay. Mr. Dilger?

1 MR. DILGER: It's plainly relevant. It goes to the  
2 witness's motives in testifying about --

3 JUDGE GIANNOPOULOS: All right.

4 MR. DILGER: -- captive audience means.

5 JUDGE GIANNOPOULOS: Potential bias.

6 MR. DILGER: Yes.

7 JUDGE GIANNOPOULOS: Yes. I think it's relevant. Your  
8 objection is overruled. Respondent's 1 is admitted.

9 **(Respondent Exhibit Number 1 Received into Evidence)**

10 All right. Next question.

11 MR. DILGER: May I approach?

12 JUDGE GIANNOPOULOS: Yes.

13 Q BY MR. DILGER: Ms. Slabaugh, I'm showing you what's been  
14 marked as Respondent's Exhibit 2. And is this a true and  
15 correct copy of a tweet that you made today?

16 A Yes, this morning.

17 Q Okay. At about what time this morning did you make this  
18 tweet?

19 A I don't remember exactly what time, but it was certainly  
20 before his statement that we could not talk about the hearing,  
21 especially specifically with other witnesses.

22 Q Okay. But in any event, I think I just asked this, but  
23 I'm tired. I apologize. This is a true and correct copy of a  
24 tweet -- of your tweet?

25 A Yeah.

1 MR. DILGER: I offer Respondent 2.

2 JUDGE GIANNOPOULOS: All right. Any objections from Mr.  
3 Berger or the General Counsel? Other than rel -- you can say  
4 your relevance objection on the record. But I think you'll  
5 know where I'm going with it.

6 MR. DILGER: It is a relevance objection.

7 JUDGE GIANNOPOULOS: All right. General Counsel?

8 MS. MCBRIDE: Same from General Counsel.

9 JUDGE GIANNOPOULOS: All right. I find it relevant.  
10 Respondent's 2 is admitted.

11 **(Respondent Exhibit Number 2 Received into Evidence)**

12 MR. DILGER: Nothing further.

13 JUDGE GIANNOPOULOS: All right. Any redirect? Let's  
14 start with the General Counsel.

15 MS. MCBRIDE: Yes, Your Honor. May we have a few moments?

16 JUDGE GIANNOPOULOS: Sure.

17 MR. DILGER: And Your -- Your Honor, just one thing, and  
18 off the record, but we can put it on the record later.

19 JUDGE GIANNOPOULOS: We're on the record.

20 MR. DILGER: The only -- I -- I have no further questions  
21 subject to the possibility that there is --

22 JUDGE GIANNOPOULOS: Absolutely. If there's other  
23 Jencks --

24 MR. DILGER: -- material produced later.

25 JUDGE GIANNOPOULOS: -- statements. Absolutely. If



1     there's some other material, I'm fairly broad with allowing  
2     Counsel to recall witnesses, you know, but that's not going to  
3     be -- that's -- that won't --

4             MR. DILGER: I appreciate it, Your Honor.

5             JUDGE GIANNOPOULOS: Never say never, but it should not be  
6     an issue.

7             MR. DILGER: I hear you. Thank you.

8             JUDGE GIANNOPOULOS: So let's go off the record for a few  
9     minutes, Bruce.

10    (Off the record at 2:51 p.m.)

11             JUDGE GIANNOPOULOS: All right. We're back on the record.  
12     Redirect, General Counsel.

13             MS. MCBRIDE: Just a couple of questions, Your Honor.

14                             **REDIRECT EXAMINATION**

15     Q     BY MS. MCBRIDE: Thank you for your patience and bearing  
16     with us today, Melissa.

17     A     Yes.

18     Q     And just a couple of questions. On cross-examination, you  
19     were asked about GC Exhibit 4, the Facebook posts --

20     A     Um-hum.

21     Q     -- and whether or not you were friends with Elijah De La  
22     Vega at the time?

23     A     Um-hum.

24     Q     Can -- at the time on February 14th, what was his role at  
25     Starbucks in relation to your role as a mixologist barista?

1 A He was, at that time, an associate manager. And I was a  
2 mixologist. He was one of my -- essentially, one of my  
3 supervisors.

4 Q What does that mean, that he was your associate manager?  
5 What -- and by -- let me clarify. Did he have the ability to  
6 issue discipline to you?

7 A Yes.

8 MR. DILGER: I'm going to object to this line. It's  
9 beyond the scope of -- of cross.

10 JUDGE GIANNOPOULOS: It is. Like I said before we went  
11 off the record, I'm pretty broad with people getting recalled.  
12 General Counsel hasn't rested. I would let the General Counsel  
13 recall the witness if they needed something to follow up on,  
14 just like I would let you recall someone.

15 Is -- is -- why don't you step outside the room again,  
16 ma'am? I'm sorry.

17 THE WITNESS: Yes.

18 JUDGE GIANNOPOULOS: Is -- is there issue with Mr. De La  
19 Vega? I mean, he's alleged in the complaint as an assistant  
20 manager. I know we had this discussion in the -- in the  
21 conference call and in the unrelated Starbucks case about  
22 the -- how the answer was written.

23 MR. DILGER: Yes.

24 JUDGE GIANNOPOULOS: But is there any question about that  
25 he was -- on February 14th, that he was the assistant store

1 manager or whatever? I don't remember what A stands for.

2 MR. DILGER: Correct. Correct.

3 JUDGE GIANNOPOULOS: Associate store manager or assistant  
4 store manager?

5 MR. DILGER: There's -- there's no dispute that that's  
6 what he was, simply whether he was acting in the capacity at  
7 the time.

8 JUDGE GIANNOPOULOS: At the he posted that.

9 MR. DILGER: Right.

10 JUDGE GIANNOPOULOS: Yeah. And so I don't think we need  
11 to go there, General Counsel.

12 MS. MCBRIDE: Okay. Your Honor --

13 JUDGE GIANNOPOULOS: I mean, I think there's a question as  
14 to whether he was on duty when he posted this. Okay. I don't  
15 think -- I don't think Respondent is asserting that on February  
16 14th, Elijah De La Vega held the position of assistant store  
17 manager or associate store manager and that's -- that Mr. De La  
18 Vega, as an associate store manager or assistant store manager,  
19 is a supervisor, an agent of the Respondent when he's at work,  
20 when he's doing his duties. The other argument is really a  
21 legal argument.

22 Am I wrong about this, Mr. Dilger? General Counsel? I  
23 don't think you need to go there. I mean, what --

24 MS. MCBRIDE: Your Honor, I will be finished with that  
25 line of questioning. The way that the answer was worded and

1     then questions about their friendship, I wanted to clear up the  
2     role on that day. I don't have any further questions along  
3     that line.

4             JUDGE GIANNOPOULOS: Okay.

5             MS. MCBRIDE: I can be done with that.

6             JUDGE GIANNOPOULOS: I think it's been clarified.

7             MS. MCBRIDE: Thank you.

8             JUDGE GIANNOPOULOS: Mr. Berger, do you want to say  
9     something? Sometimes I forget the Union's here, so if I do,  
10    just -- just, you know, pipe up. Just say something.

11            MR. BERGER: Yeah. I did want to say something about  
12    that, because I was actually interested in exploring that.  
13    It's hard for me to know -- looking at the way the stipulation  
14    was written, there's certainly is a reservation there for the  
15    argument that Mr. De La Vega was not acting as a supervisor  
16    under the act. And I don't know if that's solely because the  
17    Respondent is arguing that he was off duty, or because it  
18    pertains to the nature of the role of associate manager. If  
19    the latter, then I think this would be inappropriate.

20            JUDGE GIANNOPOULOS: And Mr. Dilger, I have a horrible  
21    habit of telling people what I think their arguments are going  
22    to be. And so if I'm wrong --

23            MR. DILGER: No.

24            JUDGE GIANNOPOULOS: -- tell me I'm wrong. But I think --  
25    I think Siren Retail is saying both. I think they're saying

1     that -- that this post was not -- it was not, you know,  
2     encompassed in his duty, that -- that he is acting outside the  
3     scope of his duty as a supervisor and agent when he made this  
4     post. Am I wrong?

5           MR. DILGER: No. And in fact, that -- that's what the  
6     stipulation is, right? We agreed --

7           JUDGE GIANNOPOULOS: Whether he did it on time, whether he  
8     was working at the time, or if he was home, kicked up on his  
9     couch. Either one. I think the company's arguing that was  
10    outside the scope of his duties, and so then they're not  
11    responsible for it. Am I wrong? Almost like a frolic and  
12    banter if I could go back to torts.

13          MR. BERGER: No. I understand that.

14          JUDGE GIANNOPOULOS: Okay. All right.

15          MR. BERGER: If that's -- that's one of the arguments.  
16    But if there's a second argument that irrespective of when he  
17    made it, the position itself is not supervisory -- I'm not  
18    saying that is the argument, but if that is the argument --

19          JUDGE GIANNOPOULOS: That's not the argument.

20          MR. BERGER: -- okay.

21          JUDGE GIANNOPOULOS: His position is supervisory. And  
22    they're just saying -- and again, Mr. Dilger, tell me if I'm  
23    wrong. At the time he did it, that said, he did this outside  
24    of his -- the scope of responsibilities; is that correct?

25          MR. DILGER: Correct. And you know, our contention is

1       certainly that that's a fact issue, that -- that the General  
2       Counsel bears the burden of showing that he did it during work  
3       or had some authorization.

4               JUDGE GIANNOPOULOS: All right.

5               MR. BERGER: Okay. So just so I understand it. There --  
6       we're in agreement that that position is --

7               JUDGE GIANNOPOULOS: Some --

8               MR. DILGER: Well, without a doubt. The stipulation,  
9       right --

10              JUDGE GIANNOPOULOS: All right.

11              MR. DILGER: -- says that at certain, right, material  
12       times, that he was a supervisor. But for the Facebook post,  
13       right, that's alleged in the complaint, right, we've reserved  
14       our -- our right to argue that that wasn't part of his duties.

15              JUDGE GIANNOPOULOS: Let's bring the witness -- let's  
16       bring the witness back in. I'll will let you continue with  
17       those questions, but let's keep it short.

18              MS. MCBRIDE: Okay.

19              JUDGE GIANNOPOULOS: Because I think the witness testified  
20       that she didn't recall, if I'm not mistaken, when the post was  
21       made.

22              MR. DILGER: Correct.

23              JUDGE GIANNOPOULOS: I mean the time, other than the date  
24       on the 14th.

25              All right. Thank you for coming back. Take your seat

1 again.

2 Ms. McBride, follow up. Go ahead.

3 MS. MCBRIDE: No further questions for this witness, Your  
4 Honor.

5 JUDGE GIANNOPOULOS: All right. Mr. Berger, do you have  
6 any questions?

7 MR. BERGER: I do have a few.

8 **REDIRECT EXAMINATION**

9 Q BY MR. BERGER: Melissa, on February 14th, 2022, were you  
10 Facebook friends with other Siren Retail employees?

11 A Yes.

12 Q Do you know about how many?

13 A Oh. I -- quite a lot. I don't know if I would be able to  
14 give you an exact answer.

15 Q More than five?

16 A Oh, yeah, absolutely.

17 Q More than ten?

18 A Yes.

19 Q Do you know whether Elijah De La Vega, off on February  
20 14th, or thereabout, was Facebook friends with other Siren  
21 Retail -- Siren Retail employees?

22 A Yes.

23 Q Okay. About how many?

24 MR. DILGER: Objection. Calls for speculation.

25 JUDGE GIANNOPOULOS: Yeah. Lay some foundation. How do



1     you know?

2     Q     BY MR. BERGER:   How -- how do you know which other  
3     coworkers Mr. De La Vega was Facebook friends with?

4     A     You can see mutual friends.

5     Q     Okay.   And of those mutual friends, are you aware of some  
6     being coworkers from work?

7     A     Yes.

8     Q     Okay.   About how many would you say?

9     A     I would guess somewhere around 15.

10    Q     And as far as you're aware, based on your understanding of  
11    how -- how Facebook works, the thread in General Counsel's  
12    Exhibit 4 could have appeared on any or all of those person's  
13    Facebook pages?

14    A     Yes.   Yes.

15    Q     You mentioned that, I think in your testimony, that Mr. De  
16    La Vega's discussion in the following thread had then touched  
17    off a discussion about TLAs and the ASU benefit among Roastery  
18    employees; is that right?

19    A     Yes.

20    Q     Do you know whether that's because those employees saw  
21    this post?

22    A     I do not know for sure.

23    Q     Okay.   In those discussions, do you know whether this post  
24    was discussed?

25    A     Yes.



1 Q It -- it -- and just to be clear, you're saying it was  
2 discussed?

3 A Yes.

4 Q You mentioned Topher -- and I don't think I caught the  
5 last name -- and Scott Underriter. First of all, what is it  
6 Topher's last name?

7 A I don't think I said Topher's last name. It's Laidlaw.

8 Q Laidlaw.

9 A Yeah.

10 Q Okay. And who are Topher Laidlaw and Scott Underriter?

11 A Topher Laidlaw was the scheduling specialty manager. And  
12 Scott Underritter was one of the operations managers at the  
13 time. So OM.

14 Q Okay. So these were supervisors in some capacity?

15 A Yes.

16 Q Okay. And these were the individuals you said that you  
17 did, in fact, have to speak to you in order to rearrange your  
18 schedule?

19 MR. DILGER: Objection. Leading.

20 Q BY MR. BERGER: Were those --

21 JUDGE GIANNOPOULOS: It -- it is leading. I don't  
22 remember exactly. Who did you talk to rearrange your schedule?

23 THE WITNESS: I had stated that I would have talked to  
24 Topher Laidlaw or Scott Underriter.

25 JUDGE GIANNOPOULOS: Okay.

1 Q BY MR. BERGER: You did testify that you shared your  
2 opinions about a union at one or more of the meetings, correct?

3 A Yeah.

4 Q Is that because the managers who conducted the meeting  
5 solicited your view?

6 MR. DILGER: Objection. Leading.

7 JUDGE GIANNOPOULOS: Sustained.

8 Q BY MR. BERGER: Did anyone solicit your view about unions  
9 at these meetings?

10 A I wouldn't say anyone solicited it. They opened the floor  
11 to conversation.

12 Q Okay. How -- how did they do that?

13 A They would essentially bring up a topic and then state  
14 what their viewpoint was or what they understood it to be and  
15 then would open the floor for us to have questions, or in my  
16 case, typically try and field other questions if I knew the  
17 answer.

18 Q Okay. And so just so I understand the structure.  
19 These -- these floor opening -- the parts of the meeting, did  
20 that follow another part of the meeting, which, like, just  
21 directly speaking?

22 MR. DILGER: I'm going to object as this is all beyond the  
23 scope of the complaint. It's not --

24 JUDGE GIANNOPOULOS: What -- where are we with this?  
25 Where are you going, Mr. Berger?

1 MR. BERGER: Well, I think this is responsive to --

2 JUDGE GIANNOPOULOS: I'll let you call this witness during  
3 your case. You have the right to make your own case-in-chief.

4 MR. BERGER: Fair enough. Okay. No further questions.

5 JUDGE GIANNOPOULOS: All right. Any cross on the -- what  
6 was asked. Mr. Dilger?

7 MR. DILGER: No, Your Honor.

8 JUDGE GIANNOPOULOS: All right. You can step down, ma'am.  
9 Thank you for coming in today.

10 THE WITNESS: Okay.

11 JUDGE GIANNOPOULOS: You're all done. But the  
12 sequestration order remains in place. Don't discuss the -- the  
13 testimony that you gave or the facts of this case with anybody  
14 until the trial is all over. And someone will let you know.  
15 The General Counsel will let you know, Mr. Berger will let you  
16 know when the case is -- is over. Meaning it's been adjourned.

17 THE WITNESS: Okay.

18 JUDGE GIANNOPOULOS: All right. Thank you. You can step  
19 down. Take your water with you.

20 THE WITNESS: To clarify, I don't need to stay in this  
21 building?

22 JUDGE GIANNOPOULOS: I don't think so. Mr. -- someone  
23 will tell you if they need you to come. They'll track you down  
24 with a subpoena. Maybe the marshal will show up at your house  
25 with a subpoena.

1 THE WITNESS: Fantastic.

2 JUDGE GIANNOPOULOS: All right. Let's go off the record  
3 while we get our next witness.

4 (Off the record at 3:04 p.m.)

5 JUDGE GIANNOPOULOS: All right. We're back on the record.  
6 Ms. McBride, your next witness.

7 MS. MCBRIDE: Yes, Your Honor. General Counsel calls K.J.  
8 Cohen (sic throughout).

9 JUDGE GIANNOPOULOS: All right. Come on up, please. You  
10 can set your jacket to the side if you want. Let me have you  
11 set your water bottles. Fine. I'll have you remain standing  
12 and raise your right hand.

13 Whereupon,

14 **KEANNA JO LESSER**

15 having been duly sworn, was called as a witness herein and was  
16 examined and testified as follows:

17 JUDGE GIANNOPOULOS: All right. Thank you. Have a seat.  
18 There you go. State your first and last name, and spell it for  
19 the record, please?

20 THE WITNESS: Legal name, right?

21 JUDGE GIANNOPOULOS: Yes.

22 THE WITNESS: It's Keanna Jo Lesser. K-E-A-N-N-A J-O  
23 L-E-S-S-E-R.

24 JUDGE GIANNOPOULOS: Okay. And then do you have a  
25 nickname that you go by?



1 THE WITNESS: Yeah, I go by K.J.

2 JUDGE GIANNOPOULOS: By K.J. Very good. All right. Go  
3 ahead, General Counsel.

4 MS. MCBRIDE: Thank you, Your Honor.

5 **DIRECT EXAMINATION**

6 Q BY MS. MCBRIDE: KJ, thank you for joining us today. Is  
7 it okay if I call K.J.?

8 A Yes.

9 Q All right. K.J., have you ever worked for Siren Retail?

10 A Yes.

11 Q When was that?

12 A From August 2021, to roughly about June 2022.

13 Q And at what location of Siren Retail did you work?

14 A The Roastery.

15 Q Where is that located?

16 A It's on Pike Street.

17 Q What job did you hold there?

18 A I was a retail barista.

19 Q What were your job duties as a retail barista?

20 A It ranged from making coffee, to baking pastries, selling  
21 merchandise, washing dishes.

22 Q And prior to your job at The Roastery, have you ever  
23 worked for an -- a different Starbucks location?

24 A Yes. I worked for roughly five other stores.

25 Q Okay. And where were those?



1 A They were all in Florida.

2 Q Okay. Were those Siren Retail locations or other  
3 Starbucks-type stores?

4 A They were all core stores.

5 Q Okay. I believe we've had quite a bit of testimony on  
6 core stores. Can you tell us briefly what that those stores  
7 were -- like, what -- how they were set up?

8 A Yeah. A core store, you would find on any regular street  
9 corner. And then, like, a Siren Retail location, those are,  
10 like, very strategically placed.

11 Q And do they have any different offerings than of core  
12 store?

13 A Yeah. They have different beverages. They have different  
14 merchandise. The atmosphere is different.

15 Q You said you worked at The Roastery until -- I believe you  
16 said June 2022?

17 A Yes.

18 Q Why did your employment end?

19 A I was on medical leave for a little while. And I just  
20 couldn't see myself going back after a certain point.

21 Q Okay. So it was a voluntary separation?

22 A Yes.

23 Q Okay. During your time at Siren Retail, at The Roastery,  
24 were you aware of a union organizing campaign?

25 A Yes.

- 1 Q And how did you become aware of it?
- 2 A I was made aware by Mel.
- 3 Q And when you say Mel, who are you referring to?
- 4 A Melissa.
- 5 Q Do you know her last name?
- 6 A I do, but I can't pronounce it.
- 7 Q Was she somebody -- another employee or partner at the
- 8 store?
- 9 A Yes.
- 10 Q Okay. Are you aware of whether or not the Union filed for
- 11 an election with the NLRB at the store?
- 12 A Yes.
- 13 Q And do you recall approximately when that was?
- 14 A It was roughly mid-February.
- 15 Q After that petition, were you aware -- are you aware of
- 16 any meetings that took place in The Roastery relating to the
- 17 upcoming election?
- 18 A Yes.
- 19 Q And how were you made aware of those?
- 20 A I attended all three of them.
- 21 Q When you say all three of those, are those the meetings
- 22 that you were aware of?
- 23 A Yes. The meetings that I was in.
- 24 Q And how did you know to go to those meetings?
- 25 A We were told before -- or roughly after we filed, that we

1     were going to have specific times to sit down and get the  
2     facts.

3     Q     Okay. When you say, we, who are you referring to?

4     A     We, as in all of the other employees that were working at  
5     The Roastery.

6     Q     Okay. And do you recall any particular time when you were  
7     told that these meetings would be occurring?

8     A     I don't recall specifically.

9     Q     Do you recall in relation to when the petition was filed?

10    A     It was after the petition was filed.

11    Q     Do you recall how close in time after the petition was  
12    filed?

13    A     I would say, probably the same day we were made aware by  
14    an email.

15    Q     And other than that initial communication, did you have  
16    any other communications from managers or supervisors about  
17    upcoming meetings being scheduled?

18    A     It was talked about while we were working.

19    Q     Okay. And was that -- who is the, we were talking about  
20    it? Who was "it was talked about" referring to?

21    A     Man -- management communicated with us that we were going  
22    to have specific time to sit down and talk about the process.

23    Q     And who from management told you that?

24    A     I would say, it was a mixture of all of the associate  
25    managers along with our DM and our OMs.



1 Q Okay. So let's break those down for a little bit. So  
2 when you say, "all of the associate managers", who were they?

3 A Chelsie Hulka; at the time, Heather Kaufman, before she  
4 got promoted; Tam -- I don't know his last name; Elijah --

5 Q Do you know Elijah's last name?

6 A I think it's De La Vega.

7 Q Did Elijah De La Vega ever tell you directly that these --  
8 that there would be meetings to discuss unionization?

9 A I can't recall any specific times that he told me that.

10 Q Okay. And other than -- were there any other AMs, I  
11 should say, or are those the -- the ones that you recall?

12 A Those are the ones that I can recall.

13 Q And then other than the associate managers, there was also  
14 the operations manager; who --

15 A Yes.

16 Q -- who is that?

17 A It was Scott Underriter (phonetic throughout), and then  
18 Heather Kaufman after she was promoted.

19 Q All right. And how did -- and the -- the DM; who was the  
20 DM at the time who communicated about the meetings to you?

21 A Mary Clare.

22 Q And do you recall her last name?

23 A Barth.

24 Q Okay. And what does DM stand for?

25 A District manager.

1 Q Thank you. How did you know that you -- let's take this  
2 one meeting at a time; you said there were three. The first  
3 meeting; how did you know that you had to attend that meeting?

4 A It was for the most part just a Starbucks policy when we  
5 had meetings scheduled that we were expected to show up at  
6 them.

7 Q Did you have any reason to question whether or not that  
8 policy applied to the meetings that appeared on your schedule  
9 in February or March of 2022?

10 A Can you repeat the question?

11 Q Of course. Did you have any reason to question that  
12 policy as it related to meeting attendance?

13 A No.

14 Q And --

15 JUDGE GIANNOPOULOS: Now, think back to the -- so did you  
16 vote in the actual election?

17 THE WITNESS: Yes.

18 JUDGE GIANNOPOULOS: All right. There was a vote. Do you  
19 remember when the vote happened?

20 THE WITNESS: I believe it was, I think, beginning of  
21 April.

22 JUDGE GIANNOPOULOS: All right. So between -- beginning  
23 of April -- or whether it was beginning of April, beginning of  
24 May --

25 THE WITNESS: Yeah.

1 JUDGE GIANNOPOULOS: -- between the day you voted -- and  
2 you said the petition was filed in mid-February, right?

3 THE WITNESS: Yeah.

4 JUDGE GIANNOPOULOS: All right. The first meeting that  
5 you remember, okay? How did you know there was going to be a  
6 meeting?

7 THE WITNESS: We were told through email that we were  
8 going to have meetings and --

9 JUDGE GIANNOPOULOS: Okay. You were --

10 THE WITNESS: -- connect at those times.

11 JUDGE GIANNOPOULOS: -- you were told -- you -- I'm sorry,  
12 say that again?

13 THE WITNESS: We were told through an email that we were  
14 going to have time to connect and talk about everything.

15 JUDGE GIANNOPOULOS: Okay. But I'm assuming there was a  
16 day that you actually went to a meeting?

17 THE WITNESS: Yes.

18 JUDGE GIANNOPOULOS: All right. How did you know the  
19 meeting was going to be that day?

20 THE WITNESS: We were told pretty much that day where it  
21 was going to be, and, like, what time.

22 JUDGE GIANNOPOULOS: Okay. Do you remember who told you  
23 and how they told you?

24 THE WITNESS: No, I don't.

25 JUDGE GIANNOPOULOS: You don't remember. Okay.

1           Go ahead, General Counsel.

2           MS. MCBRIDE:   Okay.

3       Q     BY MS. MCBRIDE:   You had said that there were three  
4       meetings.   So moving on to the second meeting.   Do you recall  
5       where the second meeting took place?

6       A     Yes.   In the library.

7       Q     And do you recall roughly when that took place in -- in  
8       relation to the petition or the election?

9       A     It was after the petition -- before the election.

10      Q     Okay.   Do you have any further recollection about when  
11      that second meeting took place?

12      A     Like, the date?

13      Q     Yes.

14      A     I believe it was the -- on or around the 14th -- maybe to  
15      the 22nd -- somewhere between that range.

16      Q     Of which month?

17      A     Of March.

18      Q     Okay.   And this is 2022 --

19      A     Yes.

20      Q     -- you're talking about?   Thanks.   Okay.   You said this  
21      was in the library; can you give a brief description of what  
22      the library looks like?

23      A     Yeah.   It's a big -- kind of like a conference room  
24      towards the back of The Roastery.

25      Q     Okay.   And it's a library; are -- does it look like a

1 library in anyway?

2 A Yeah. There's a shelf full of books --

3 Q Okay.

4 A -- on one of the sides.

5 Q Is this a -- is this room in any way attached to the rest  
6 of The Roastery?

7 A It is. It's kind of between the manufacturing side and,  
8 like, the back of house -- like, where employees are.

9 Q Do customers have access to this room?

10 A To the library, yes.

11 Q Okay. How many partners were with you in this meeting --  
12 in this second meeting in March that was in the library?

13 A I'd say probably -- roughly 20.

14 Q Okay. And do you recall if there were managers or  
15 supervisors present?

16 A Yes.

17 Q Who were they?

18 A I don't recall which ones specifically. I know MC was  
19 there.

20 Q Can you define for us, or clarify, who do you mean by,  
21 "MC"?

22 A Mary Clare. The district manager.

23 Q Okay.

24 A And then I'm pretty sure Heather was there.

25 Q Okay. And do you recall any other managers or

1 supervisors?

2 A Not specifically.

3 Q Okay. And is -- is "Heather" the Heather Kaufman you  
4 previously testified about?

5 A Yes.

6 Q Okay. During that -- that second meeting in March, did  
7 you record that meeting?

8 A Yes.

9 Q Okay. And how did you record that meeting?

10 A I recorded it with my iPhone on the voice memo app.

11 Q Okay. Where was your phone when you used it to record the  
12 meeting?

13 A It was on the table.

14 Q How many tables were in the library?

15 A Just one.

16 Q One table?

17 A Yes.

18 Q So where was your phone on that table?

19 A Probably, like, towards the middle.

20 Q Okay. And how many people are sitting around this table?

21 A I'd say 20 -- 20 to 25.

22 Q Okay. Was your phone visible to anyone other than you, to  
23 the best of your knowledge, from where it was placed?

24 A Yes.

25 Q Okay. And what makes you say that?

1 A It wasn't, like, hidden under anything. It was just out  
2 on the table.

3 Q Okay. Were you ever told during those meetings you were  
4 not allowed to have a phone in there?

5 A No.

6 Q Were you ever told in that meeting you were not allowed to  
7 record it?

8 A No.

9 Q Were you ever told -- were you told whether or not you  
10 could take notes?

11 A I don't recall specifically, but there were other people  
12 taking notes.

13 Q Okay. Did you pause the recording at any point during  
14 that meeting?

15 A No.

16 Q At the end of the meeting -- at the end of the recording,  
17 did you have an opportunity to go back to listen to it?

18 A Yes.

19 Q Okay. Did you make any edits to the recording?

20 A No.

21 Q When you went back and listened to it, did it accurately  
22 record what was said in the March meeting?

23 A Yes.

24 Q Okay. And did you provide a recording -- did you provide  
25 a copy of that recording to a board agent of the National Labor

1 Relations Board?

2 A Yes.

3 Q Okay.

4 MS. MCBRIDE: Your Honor, at this point, I would like to  
5 distribute -- I have, on USB drive, copies of that exact  
6 recording. I have the full recording to distribute. I have  
7 an -- as well as a document that would be GC -- the recording  
8 would be GC-5, but the document would be GC-6 that sets forth  
9 the technical specifications of the recording and of the USB  
10 drive to address any issues on the electronic document.

11 I'd like to distribute that and then play parts of that  
12 recording, which contain the alleged 8(a)(1) statements.

13 JUDGE GIANNOPOULOS: All right. Well, you can distribute  
14 it. You'll need to start playing it and let her identify the  
15 voices, et cetera. And I'll let you be heard, Mr. Dilger,  
16 before it's moved into evidence because she can -- she can  
17 certainly play it to identify the voices. She's identified  
18 right now that she's recorded this meeting in March, but she's  
19 allowed to play it to identify the -- the -- you know, this is  
20 what I heard, these are the voices.

21 MR. DILGER: Okay. Can I --

22 JUDGE GIANNOPOULOS: And I'll let you be heard -- go  
23 ahead. You can -- you can speak now, but we're not moving  
24 anything in.

25 MR. DILGER: Understood. I would object to even listening



1 to it on the grounds that it is an illegal recording under  
2 Washington State law.

3 JUDGE GIANNOPOULOS: I think you're wrong.

4 MR. DILGER: Okay.

5 JUDGE GIANNOPOULOS: But you can make your -- you can make  
6 your -- you can go ahead.

7 MR. DILGER: That -- that's first, and -- and second, I  
8 would request to be able to listen to it prior to it -- even  
9 listening to it here to determine whether or not there are any  
10 other objections that have to be made.

11 JUDGE GIANNOPOULOS: Let's take things -- let's take it  
12 one step at a time. I think you can distribute it. You can  
13 play it. You can -- you can start playing it, have her  
14 identify, if she can, identify the voices, et cetera, that  
15 that -- that this at least sounds like, and then I'll -- I will  
16 listen to your other arguments.

17 So were not going to play the whole thing. We're just  
18 going to start -- you're going to -- just going to play the  
19 initial steps of it.

20 MR. DILGER: Okay.

21 MS. GARFIELD: Okay. This is 6 -- thank you. And then  
22 that it 5A to fill in on top --

23 MS. MCBRIDE: Here's the USB drive. It is password  
24 protected. And there's this writing under it -- it should be  
25 19-CA, and then that's -- it's the case number.

1 MR. DILGER: So it's -- so it's literally --

2 MS. MCBRIDE: It's literally, dash --

3 MR. DILGER: -- put that on --

4 MS. MCBRIDE: Yes.

5 MR. DILGER: -- before that, right?

6 MS. MCBRIDE: Yes. Yes.

7 MR. DILGER: And then it's the --

8 MS. MCBRIDE: And then the case number.

9 MR. DILGER: Okay. Very good.

10 MS. MCBRIDE: Yes.

11 MR. DILGER: Thank you.

12 JUDGE GIANNOPOULOS: I'll be honest with you, I -- unless

13 this is a -- I won't be able to open it, usually.

14 MS. MCBRIDE: Okay.

15 JUDGE GIANNOPOULOS: Usually, I can't open these in, like,

16 PD -- but you can email it to me. I think you have my email

17 address?

18 MS. MCBRIDE: Yes.

19 JUDGE GIANNOPOULOS: You can email me the recording. My

20 computer will not open unauthorized thumb drives. And I'm not

21 sure if this is -- if this has been, like, you know, encrypted

22 with BitLocker or not?

23 MS. MCBRIDE: It has.

24 JUDGE GIANNOPOULOS: It has. So maybe it will open.

25 MS. MCBRIDE: Yes.

1 JUDGE GIANNOPOULOS: All right.

2 MS. MCBRIDE: It works with the Agency's eLitigation to  
3 make sure it would work -- hopefully, it will. And again, this  
4 is GC-6. I've given it to Respondent, the court reporter, Your  
5 Honor. GC-6 also sets forth the password to access it.

6 JUDGE GIANNOPOULOS: All right.

7 MS. MCBRIDE: It is the case number.

8 JUDGE GIANNOPOULOS: And Mr. Dilger, let me just say, I  
9 don't have the citation in front of me, but even -- even --  
10 recordings, even if they're made in violation of state law, are  
11 admissible in federal proceedings. They're admissible in  
12 federal court. They're admissible in these proceedings.

13 MR. DILGER: I expected that to be your response. I'm  
14 just making a record, Your Honor.

15 JUDGE GIANNOPOULOS: And as to whether this is actual  
16 violation, I'll cite to you my decision in ADT 369 LR -- NLRB  
17 Number 23, whether this part of it was adopted to the Board --  
18 by the Board or not, is, I think, irrelevant. Slip Op at pages  
19 8 through 10, I really -- from what I understand, this is a  
20 pub -- this is a meeting for all employees. What was said --  
21 there was no expectation of privacy as to what was said.  
22 Washington law, at least at the time -- unless the statutes  
23 have been amended, I don't think it has -- is clear. There  
24 needs to be an expectation of privacy. You can't have an  
25 expectation of privacy when you're having a group meeting like

1 this.

2 So that's why I said what I said. Okay.

3 MR. DILGER: Understood.

4 JUDGE GIANNOPOULOS: General Counsel, are you ready?

5 MS. MCBRIDE: According to this (indiscernible) here, yes.

6 JUDGE GIANNOPOULOS: This is the -- that's the best  
7 speaker you've got?

8 MS. MCBRIDE: It is.

9 JUDGE GIANNOPOULOS: Okay.

10 MS. MCBRIDE: And this way, it will be right next to  
11 the --

12 JUDGE GIANNOPOULOS: That's fine.

13 MS. MCBRIDE: -- microphone for the court reporter as well  
14 to pick up. I should say, Your Honor, I also have, which could  
15 be marked as GC-7, a complete transcript of the audio. I  
16 realize we're only going to play the initial part now to  
17 identify it.

18 JUDGE GIANNOPOULOS: Right. And my -- my position with  
19 recordings is that the whole thing gets played eventually.

20 MS. MCBRIDE: Yeah.

21 JUDGE GIANNOPOULOS: If you're moving for admission, even  
22 if it's only for a couple sentences of a -- of a recording.  
23 You know, my practice is the entire recording gets played in  
24 court.

25 MS. MCBRIDE: Yes, Your Honor. So we --

1 JUDGE GIANNOPOULOS: And gets transcribed --

2 MS. MCBRIDE: -- have a transcript of the whole --

3 JUDGE GIANNOPOULOS: -- it gets transcribed by the court  
4 reporter. Unless we're going to see -- is that an official  
5 transcription? Have you taken it to a stenographer?

6 MS. MCBRIDE: Yes, Your Honor. And there's a certificate  
7 at the back --

8 JUDGE GIANNOPOULOS: Okay.

9 MS. MCBRIDE: -- although we will be --

10 JUDGE GIANNOPOULOS: All right.

11 MS. MCBRIDE: -- putting in the audio --

12 JUDGE GIANNOPOULOS: Let's see this.

13 MS. MCBRIDE: -- as a -- as the actual exhibit. This is  
14 an aid to --

15 JUDGE GIANNOPOULOS: It's only an aide --

16 MS. MCBRIDE: -- follow along.

17 JUDGE GIANNOPOULOS: -- correct. Okay. I see. It has  
18 been transcribed by --

19 Did you do this, Bruce? All right.

20 That's fine. Go ahead.

21 MS. MCBRIDE: Okay. So this is GC-7. Now, I put the  
22 Post-it Notes on there just for clarity because the actual --  
23 the date doesn't appear anywhere on the transcription and I  
24 didn't want to doctor the transcript, so there's --

25 JUDGE GIANNOPOULOS: All right.

1 MS. MCBRIDE: -- Post-it Notes for everyone's  
2 clarification there. Okay. Okay. Let me make sure the volume  
3 is all the way up.

4 MR. DILGER: And just for the record, are we playing this  
5 from the beginning of the proc -- of the recording?

6 MS. MCBRIDE: Yes. So I'll be playing it from the  
7 beginning and pausing it as we hear additional voices in order  
8 for K.J. to identify the voices. Okay.

9 (Audio played at 3:33 p.m., ending at 3:33 p.m.)

10 Q BY MS. MCBRIDE: K.J., are you familiar with that voice?

11 A Yes.

12 Q Okay. Who is that?

13 A That's Tam.

14 Q Do you know Tam's last name?

15 A I don't off the top of my head.

16 Q Okay. And what is Tam's position?

17 A He is an associate manager.

18 Q Okay. And did you have occasion to work with Tam?

19 A Yes.

20 Q Okay.

21 JUDGE GIANNOPOULOS: Where -- what -- why don't you state,  
22 for the record, when you stop the recording, what -- what --  
23 where you're stopping on the recording.

24 MS. MCBRIDE: The recording has been stopped at eight  
25 seconds.

1 JUDGE GIANNOPOULOS: Okay.

2 Q BY MS. MCBRIDE: And I will note for the record that Joint  
3 Exhibit 1 in the stipulations has Tam Marpoe stipulated to as  
4 the assistant store manager. Is -- is that the Tam that you're  
5 referring to?

6 A Yes. But they're an associate manager.

7 Q Ah.

8 A It's -- it's, like, a different title.

9 Q Okay. All right. So I will play until we hear a  
10 different voice for you to identify.

11 (Audio played at 3:34 p.m., ending at 3:36 p.m.)

12 MS. MCBRIDE: I'm pausing it at one minute, 57 seconds.

13 Q BY MS. MCBRIDE: There -- there was a -- a question there  
14 that was asked; did you hear that voice offering the question,  
15 "What is a union card?"

16 A Yes.

17 Q Okay. And are you familiar with that voice?

18 A Yes.

19 Q Who was that person?

20 A That was Sarah. She's a barista.

21 Q Okay.

22 MS. MCBRIDE: And I'll hit play.

23 (Audio played at 3:36 p.m., ending at 3:36 p.m.)

24 MS. MCBRIDE: And -- oh, I paused it at two minutes and  
25 one second.

1 Q BY MS. MCBRIDE: And are you familiar with the voice,  
2 "That's a good question"?

3 A That was Tam again --

4 Q Okay.

5 A -- I'm pretty sure.

6 Q And then I'll -- I'll play it --

7 A Yeah.

8 Q -- for just a second here, and we'll stop to identify  
9 another voice.

10 (Audio played at 3:37 p.m., ending at 3:37 p.m.)

11 MS. MCBRIDE: Okay. So I just paused at two minutes, 18  
12 seconds.

13 Q BY MS. MCBRIDE: Whose voice is that that we were  
14 listening to?

15 A That's mine.

16 Q Okay.

17 (Audio played at 3:37 p.m., ending at 3:38 p.m.)

18 MS. MCBRIDE: Your Honor, I paused it at two minutes, 53  
19 seconds. The next voice comes in in -- in several more  
20 minutes. And I also -- I -- I guess I'm pausing to see if --  
21 do we continue just as it goes, as it plays, and then every  
22 time pause it, or -- I do have minute marks for when there are  
23 new voices.

24 JUDGE GIANNPOULOS: Well, it's -- it's -- it's your piece  
25 of evidence. The -- let me look at -- let me just take a look



1 at the transcript for a second.

2 MS. MCBRIDE: All right.

3 JUDGE GIANNOPOULOS: I see a lot of unidentified voices in  
4 this transcript.

5 MS. MCBRIDE: All the way through.

6 JUDGE GIANNOPOULOS: And so -- so -- you know? I don't --  
7 I haven't heard this, General Counsel. I think that that's why  
8 my general practice is to play it.

9 MS. MCBRIDE: Great.

10 JUDGE GIANNOPOULOS: So if -- so the voices get identified  
11 as who's saying what --

12 MS. MCBRIDE: All right.

13 JUDGE GIANNOPOULOS: -- to whom.

14 MS. MCBRIDE: So we're going to keep going. We're at two  
15 minutes, 53 seconds. Play.

16 (Audio played at 3:39 p.m., ending at 3:40 p.m.)

17 MR. DILGER: Could we pause it for just a second. I -- in  
18 terms of this process, I just want to make sure that -- that  
19 the Respondent still has the right to object to the contents  
20 here. And my concern is that overall, by basically playing it  
21 into the record, right, that it's just -- it's in there. It's  
22 admitted now. And --

23 JUDGE GIANNOPOULOS: It's not admitted into evidence. How  
24 else -- how else do we identify the speakers? I think she has  
25 a right to play it, have the speakers identified. She'll move

1 the admit -- for the admission.

2 MR. DILGER: Okay.

3 JUDGE GIANNOPOULOS: And if I -- if I find that it's  
4 inadmissible, it's inadmissible. And I'll just ask Bruce not  
5 to transcribe what was typed --

6 MR. DILGER: Okay.

7 JUDGE GIANNOPOULOS: -- to remove it.

8 MR. DILGER: Very good.

9 JUDGE GIANNOPOULOS: All right.

10 MR. DILGER: Thank you, Your Honor.

11 JUDGE GIANNOPOULOS: But otherwise, that's how it works --  
12 that she gets to identify the voices, that said that she was  
13 there. She said that she records it. The transcript is full  
14 of people being unidentified. It's not going to do us any  
15 good -- it's not going to do me any good, it's not going to do  
16 the Board any good, it's not going to do the Court of Appeals  
17 any good -- to read a -- a transcript that is just people that  
18 are -- that are unidentified.

19 But again, if I find that it's inadmissible, we'll just  
20 ask the court reporter to make sure that those parts are not in  
21 the record.

22 MR. DILGER: Okay.

23 JUDGE GIANNOPOULOS: All right. Go ahead.

24 MS. MCBRIDE: Okay. I'm resuming at four minutes, 24  
25 seconds.

1 (Audio played at 3:42 p.m., ending at 3:42 p.m.)

2 MS. MCBRIDE: I'm pausing at four minutes, 59 seconds.

3 Q BY MS. MCBRIDE: We just heard, "If it's not in that  
4 contract, it's not a conversation"; who was that?

5 A That was Tam.

6 Q Thank you.

7 (Audio played at 3:42 p.m., ending at 3:46 p.m.)

8 MS. MCBRIDE: I'm pausing right there at eight minutes, 39  
9 seconds.

10 Q BY MS. MCBRIDE: There was -- I believe, the transcript is  
11 a little unclear; it said stock. What kind of stock was that?  
12 Could you understand? Did you hear that and understand that?

13 A Yes.

14 Q And what was that term?

15 A They're talking about Bean Stocks, which is just stock in  
16 the company that they give to you.

17 Q Okay. And the term was Bean Stock?

18 A Yeah.

19 Q Thank you.

20 MS. MCBRIDE: Replaying at eight minutes, 39 seconds.

21 (Audio played at 3:46 p.m., ending at 3:50 p.m.)

22 MS. MCBRIDE: I'm pausing at 12 minutes, 15 seconds.

23 Q BY MS. MCBRIDE: Did you recognize that voice that said,  
24 "I have a question"?

25 A I believe that's Justin. He's a barista.

1 Q Do you know Justin's last name?

2 A I don't.

3 Q Okay.

4 MS. MCBRIDE: And I'm resuming.

5 (Audio played at 3:50 p.m., ending at 3:51 p.m.)

6 MS. MCBRIDE: And I'm stopping at 12 minutes, 30 seconds.

7 Q BY MS. MCBRIDE: Are you familiar with the voice that  
8 said, "That's a good question"?

9 A Yes.

10 Q And who was that?

11 A That's Tam.

12 Q Okay.

13 MS. MCBRIDE: Resuming.

14 (Audio played at 3:51 p.m., ending at 3:52 p.m.)

15 MS. MCBRIDE: I'm pausing at 13 minutes, 26 seconds.

16 Q BY MS. MCBRIDE: There was a -- a quieter voice that came  
17 in. I believe it said, "I think that gets negotiated in the  
18 contract"?

19 A Yes.

20 Q The script will feak -- speak for itself. Did you hear  
21 that voice?

22 A Yes.

23 Q Are you familiar with that voice?

24 A Yes.

25 Q Who was that voice?

1 A That's M.C.

2 Q And who do you mean by M.C.?

3 A Our district manager, Mary Clare Barth.

4 Q Thank you for that.

5 MS. MCBRIDE: And I'm resuming.

6 (Audio played at 3:52 p.m., ending at 3:52 p.m.)

7 MS. MCBRIDE: And I'm pausing at 13 minutes, 40 seconds.

8 Q BY MS. MCBRIDE: We then heard another voice come in that  
9 said, "I believe a normal contract is, like, 30 pages". Again,  
10 the transcript will speak for itself. Are you familiar with  
11 that voice?

12 A Yes.

13 Q And who is that?

14 A That's Heather.

15 Q Who is Heather?

16 A Heather was our OM at the time.

17 Q And do you recall Heather's last name?

18 A Kaufman.

19 Q okay. And OM stands for?

20 A Operations manager.

21 Q Okay. Did you have interactions -- sorry. Excuse me.  
22 Did you have reason to have interactions with Heather Kaufman  
23 on any kind of regular basis?

24 A Yes.

25 Q Okay. Did you become familiar with her voice prior to

1 listening to this --

2 A Yes.

3 Q -- recording? Okay.

4 (Audio played at 3:53 p.m., ending at 3:54 p.m.)

5 JUDGE GIANNOPOULOS: Who was --

6 MS. MCBRIDE: I paused at 14 minutes, 28 seconds.

7 JUDGE GIANNOPOULOS: Mr. Dilger?

8 MR. DILGER: There was a voice in there that we missed.

9 And I mean --

10 JUDGE GIANNOPOULOS: All right. Past --

11 MR. DILGER: I'm happy to go --

12 JUDGE GIANNOPOULOS: Past back? That's fine.

13 MR. DILGER: Yeah. And I can do it one of two ways. We  
14 can just go, and I can try to clean it up later, or I can  
15 interject.

16 MS. MCBRIDE: Okay.

17 MR. DILGER: What would you like?

18 JUDGE GIANNOPOULOS: Well, when voices change, let's try  
19 to identify them. If you catch it, --

20 MS. MCBRIDE: I'm trying to --

21 JUDGE GIANNOPOULOS: -- you can raise it. I'm trying to  
22 listen. It's -- you know, I'm not following along with the  
23 transcript of it. It's just an aid. But I'm trying to listen.

24 MR. DILGER: Right.

25 MS. MCBRIDE: Okay.

1 JUDGE GIANNOPOULOS: So why don't you just go back, go  
2 ahead, you know, maybe half a minute.

3 MS. MCBRIDE: Okay. So we're at 13 minutes, 29 seconds.  
4 It's the easiest place to go back to.

5 (Audio played at 3:55 p.m., ending at 3:55 p.m.)

6 MS. MCBRIDE: Okay. Again, that's -- I'm at 13 minutes,  
7 37 seconds.

8 Q BY MS. MCBRIDE: We heard the contract is probably going  
9 to be -- and that is -- the person speaking there is? I'll --  
10 I'll play it a little more.

11 JUDGE GIANNOPOULOS: Okay.

12 (Audio played at 3:55 p.m., ending at 3:56 p.m.)

13 MS. MCBRIDE: Okay. I paused at 14 minutes, 13 seconds.

14 Q BY MS. MCBRIDE: Whose voice were we just listening to?

15 A Heather.

16 Q Thank you.

17 MS. MCBRIDE: Continuing.

18 (Audio played at 3:56 p.m., ending at 3:56 p.m.)

19 MS. MCBRIDE: 14 minutes, 19 seconds.

20 Q BY MS. MCBRIDE: There was a deeper voice in the  
21 background. Are you familiar with that voice?

22 A I'm pretty sure that was Porfirio.

23 Q And who is Porfirio?

24 A He was a operations lead.

25 Q Okay. And do you know Porfirio's last name?

1 A I don't know how to pronounce it. I know it's P-E-N-A.

2 Q Thank you.

3 MS. MCBRIDE: Continuing at 14 minutes, 19 seconds.

4 (Audio played at 3:57 p.m., ending at 3:57 p.m.)

5 MS. MCBRIDE: And at 14 minutes, 25 seconds.

6 Q BY MS. MCBRIDE: Whose voices are -- are we hearing here  
7 answering that question?

8 A I'm pretty sure that was Justin. And he's just a barista.

9 Q Okay.

10 (Audio played at 3:57 p.m., ending at 3:57 p.m.)

11 MS. MCBRIDE: Okay. At 14 minutes, 36 seconds.

12 Q BY MS. MCBRIDE: Are you familiar with this voice asking a  
13 question?

14 A Yes. That's Sarah.

15 Q Okay.

16 A She's a --

17 Q And do you know Sarah's?

18 A Yeah. She's a barista.

19 Q And you know her last name?

20 A I don't off the top of my head.

21 Q Okay.

22 (Audio played at 3:57 p.m., ending at 3:58 p.m.)

23 Q BY MS. MCBRIDE: Did you hear the -- the voice changed  
24 there.

25 MS. MCBRIDE: I -- I'm sorry, at 14 minutes, 50 -- 56



1 seconds.

2 THE WITNESS: Yes.

3 Q BY MS. MCBRIDE: The voice that spoke up to answer the  
4 question?

5 A That's Heather.

6 Q Thank you.

7 (Audio played at 3:58 p.m., ending at 3:58 p.m.)

8 MS. MCBRIDE: And I'm pausing at 15 minutes.

9 Q BY MS. MCBRIDE: Was there a change in speaker there?

10 A Yes.

11 Q And what did we hear?

12 A That's Tam.

13 Q Okay.

14 (Audio played at 3:58 p.m., ending at 3:59 p.m.)

15 MS. MCBRIDE: And pause at 15 minutes, 59 seconds.

16 Q BY MS. MCBRIDE: We just heard a voice say, "I have  
17 another question." Did you hear that voice?

18 A Yes.

19 Q Are you familiar with that voice?

20 A I'm pretty sure that was Justin again.

21 Q Thank you. And again, do you know Justin's last name?

22 A I don't.

23 Q And his title?

24 A He was a barista.

25 Q Okay.

1 (Audio played at 3:59 p.m., ending at 4:00 p.m.)

2 MS. MCBRIDE: Paused at 16 minutes, 36 seconds.

3 Q BY MS. MCBRIDE: What was -- whose voice did we hear come  
4 on to answer that question?

5 A That was Tam.

6 Q Okay. And again, when you say Tam, what is Tam's role?  
7 Who -- who are you referring to?

8 A Associate manager.

9 Q Thank you. And this is Tam Marpoe in the stipulations?

10 A Yes.

11 Q Thank you.

12 (Audio played at 4:00 p.m., ending at 4:02 p.m.)

13 MS. MCBRIDE: I'm pausing at 17 minutes, 40 seconds.

14 Q BY MS. MCBRIDE: Are you familiar with the voice who  
15 started asking this question?

16 A Yes. That's Porfirio.

17 Q Is this the -- the same Porfirio identified before?

18 A Yes.

19 Q And his role again?

20 A He was a operations lead.

21 Q Thank you.

22 (Audio played at 4:02 p.m., ending at 4:02 p.m.)

23 MS. MCBRIDE: At 17 minutes, 53 seconds.

24 Q BY MS. MCBRIDE: Whose voice do we hear answering that  
25 question?

1 A That's Tam.

2 Q Thank you.

3 (Audio played at 4:02 p.m., ending at 4:03 p.m.)

4 MS. MCBRIDE: At 18 minutes, 53 seconds.

5 Q BY MR. BERGER: There was another voice that came on,  
6 "Starting with TLAs". Did you recognize that voice?

7 A I would have to listen to a little bit more.

8 Q Okay.

9 MS. MCBRIDE: And starting again at 1853.

10 (Audio played at 4:03 p.m., ending at 4:04 p.m.)

11 Q BY MS. MCBRIDE: Did you recognize that voice?

12 A I recog --

13 Q I can also replay it.

14 A Yeah, please.

15 Q Okay.

16 A Thank you.

17 MS. MCBRIDE: Starting at 18:40.

18 (Audio played at 4:04 p.m., ending at 4:04 p.m.)

19 Q BY MS. MCBRIDE: Did you hear the voice that said, "TLAs  
20 are super complex"?

21 A Yes.

22 Q And are you familiar with that voice?

23 A Yes.

24 Q Who was that?

25 A That was Scott.

1 Q And what's Scott's full name?

2 A Scott Underriter. He was our operations manager.

3 Q Thank you.

4 (Audio played at 4:04 p.m., ending at 4:04 p.m.)

5 Q BY MS. MCBRIDE: There was a -- a voice that came in just  
6 before, "The complexity there".

7 A Yes.

8 Q Did you recognize that voice?

9 A Yes. That was Porfirio again.

10 Q Okay. And then, the voice that began with, "The  
11 complexity there"? Who was that?

12 A Yes. That was Heather.

13 Q Thank you. And Heather's last name?

14 A Kaufmann.

15 Q Thank you.

16 (Audio played at 4:05 p.m., ending at 4:05 p.m.)

17 MS. MCBRIDE: 19:29.

18 Q BY MS. MCBRIDE: We just heard a voice pipe up and say,  
19 "Yeah". Did you recognize that voice?

20 A Yes.

21 Q Who was that?

22 A That was Tam again.

23 Q Thank you.

24 MS. MCBRIDE: And going back at 1929.

25 (Audio played at 4:05 p.m., ending at 4:05 p.m.)

1 MS. MCBRIDE: And at 1931.

2 Q BY MS. MCBRIDE: Who are we hearing here, "I'm speaking  
3 from my opinion"?

4 A Still Tam.

5 Q Thank you.

6 (Audio played at 4:06 p.m., ending at 4:06 p.m.)

7 MS. MCBRIDE: At 20:22.

8 Q BY MS. MCBRIDE: Who was it that said, "Does anyone need  
9 any chocolate"?

10 A That was still Tam.

11 Q Okay. And the voice speaking who said, "A sticky or  
12 gone", whose voice was that?

13 A That was Tam.

14 Q Thank you.

15 MS. MCBRIDE: I am picking up again at 20 minutes, 22  
16 seconds.

17 (Audio played at 4:07 p.m., ending at 4:07 p.m.)

18 Q BY MS. MCBRIDE: There was a quiet --

19 MS. MCBRIDE: Sorry. I stopped at 20 minutes, 45 seconds.

20 Q BY MS. MCBRIDE: There was a -- a softer voice that we  
21 just heard. Were you able to hear that voice?

22 A Yes.

23 Q And did you recognize it?

24 A Yes.

25 Q Who was that?

1 A That was Heather.

2 Q Sorry. I accidentally spoke over you. Who was that?

3 A No. That's okay. That was Heather Kaufman.

4 Q Thank you.

5 A Yes.

6 (Audio played at 4:07 p.m., ending at 4:08 p.m.)

7 MS. MCBRIDE: I'm pausing at 20 minutes, 50 seconds.

8 Q BY MS. MCBRIDE: Whose voice are we listening to here that  
9 mentioned scare tactics?

10 A That was mine.

11 Q Thank you.

12 (Audio played at 4:08 p.m., ending at 4:08 p.m.)

13 MS. MCBRIDE: Paused at 20 minutes, 58 seconds.

14 Q BY MS. MCBRIDE: There was a -- a quieter voice in the  
15 background there. Did you hear that voice?

16 A Yes.

17 Q Are you familiar with that voice?

18 A Yes.

19 Q Who was that?

20 A That was Mary Clare.

21 Q And the full name?

22 A Mary Clare Barth.

23 Q Thank you.

24 A Yes.

25 (Audio played at 4:08 p.m., ending at 4:08 p.m.)

1 MS. MCBRIDE: Paused at 21 minutes.

2 Q BY MS. MCBRIDE: With the long, "Um", whose voice is that?

3 A That was mine.

4 Q Thank you.

5 (Audio played at 4:08 p.m., ending at 4:09 p.m.)

6 MS. MCBRIDE: At 21 minutes and 17 seconds.

7 Q BY MS. MCBRIDE: There was a -- quieter voice that said,  
8 "Thanks for your honesty". Who was that?

9 A I believe that was Heather.

10 Q Thank you.

11 (Audio played at 4:09 p.m., ending at 4:12 p.m.)

12 MS. MCBRIDE: And again, I'm pausing now at 24 minutes, 33  
13 seconds.

14 Q BY MS. MCBRIDE: And who is that voice that we just heard  
15 that started with, "Yeah"?

16 A That was mine.

17 Q Thank you.

18 (Audio played at 4:12 p.m., ending at 4:12 p.m.)

19 MS. MCBRIDE: I paused at 24 minutes, 51 seconds.

20 Q BY MS. MCBRIDE: There was a voice that said, "Well,  
21 that's the company position". Did you hear that?

22 A Yes.

23 Q Who was that voice?

24 A That was Mary Clare Barth.

25 Q Thank you.

1 (Audio played at 4:13 p.m., ending at 4:13 p.m.)

2 MS. MCBRIDE: I paused at 25 minutes.

3 Q BY MS. MCBRIDE: Whose voice was saying, "I don't think  
4 that's an unknown"?

5 A That was still Mary Clare.

6 Q Great. Thank you.

7 (Audio played at 4:13 p.m., ending at 4:13 p.m.)

8 MS. MCBRIDE: Paused at 25 minutes, 8 seconds.

9 Q BY MS. MCBRIDE: Whose voice said, "It's fair to call it  
10 out"?

11 A Still Mary Clare.

12 Q Thank you.

13 A Yes.

14 MS. MCBRIDE: I'm resuming.

15 (Audio played at 4:13 p.m., ending at 4:14 p.m.)

16 MS. MCBRIDE: Paused at 25 minutes, 25 seconds.

17 Q BY MS. MCBRIDE: And whose voice said -- saying, "We're  
18 going to lose our voice"?

19 A Mine.

20 Q Thank you.

21 MS. MCBRIDE: And we're resuming.

22 (Audio played at 4:14 p.m., ending at 4:14 p.m.)

23 MS. MCBRIDE: Pausing at 25 minutes, 30 seconds.

24 Q BY MS. MCBRIDE: Who was the voice that responded to you,  
25 saying, "You're shifting"?



- 1 A Mary Clare, again.
- 2 Q Thank you.
- 3 MS. MCBRIDE: I'm resuming at 25 minutes, 30 seconds.
- 4 (Audio played at 4:14 p.m., ending at 4:14 p.m.)
- 5 MS. MCBRIDE: I'm pausing at 25 minutes, 39 seconds.
- 6 Q BY MS. MCBRIDE: And whose voice was that?
- 7 A Mine again.
- 8 MS. MCBRIDE: Resuming.
- 9 (Audio played at 4:14 p.m., ending at 4:14 p.m.)
- 10 Q BY MS. MCBRIDE: Whose voice said, "Absolutely"?
- 11 A Mary Clare again.
- 12 Q And I believe there was somebody else that spoke up.
- 13 There was a -- a yeah or a --
- 14 A It was -- it was mine.
- 15 Q Thank you.
- 16 MS. MCBRIDE: And resuming.
- 17 (Audio played at 4:15 p.m., ending at 4:15 p.m.)
- 18 MS. MCBRIDE: Pausing at 26 minutes, nine seconds.
- 19 Q BY MS. MCBRIDE: So the voice that were just listening to
- 20 there, discussing the representative, if you're comfortable
- 21 with that, is?
- 22 A Mary Clare.
- 23 Q Thank you.
- 24 A Yeah.
- 25 MS. MCBRIDE: Resuming.

1 (Audio played at 4:15 p.m., ending at 4:16 p.m.)

2 MS. MCBRIDE: Pausing at 26 minutes, 29 seconds.

3 Q BY MS. MCBRIDE: Who was it that said, "a majority vote"?

4 A I believe it was still Mary Clare.

5 Q Okay.

6 MS. MCBRIDE: I'll resume.

7 (Audio played at 4:16 p.m., ending at 4:17 p.m.)

8 MS. MCBRIDE: Pausing at 27 minutes, 25 seconds.

9 Q BY MS. MCBRIDE: There's a voice that spoke up that said,  
10 "I also want to be clear"; do you --

11 A Yeah. Yes, that's Tam.

12 Q And Tam's full name? --

13 JUDGE GIANNOPOULOS: There's only one Tam.

14 MS. MCBRIDE: Do you know -- there's Tam?

15 JUDGE GIANNOPOULOS: Same Tam.

16 MS. MCBRIDE: Great. Thank you.

17 We're resuming.

18 JUDGE GIANNOPOULOS: Okay.

19 (Audio played at 4:17 p.m., ending at 4:19 p.m.)

20 MS. MCBRIDE: Pausing at 28 minutes, 56 seconds.

21 Q BY MS. MCBRIDE: Who is it that said, "I just want to  
22 say"?

23 A Yes. That's Ean, E-A-N. And he's a barista.

24 Q Do you know Ean's last name?

25 A I know it starts with a M. I don't know the whole thing.

1 Q Thank you.

2 MS. MCBRIDE: Resuming.

3 (Audio played at 4:19 p.m., ending at 4:19 p.m.)

4 MS. MCBRIDE: Right. I paused at 29 minutes exactly.

5 Q BY MS. MCBRIDE: I believe someone was saying, "You go  
6 first." Did you hear that other voice in there?

7 A I did.

8 Q Are you familiar with that voice?

9 A I believe that was Justin (phonetic throughout), also just  
10 a barista. They both wanted to talk at the same time.

11 Q Okay.

12 MS. MCBRIDE: Resuming.

13 (Audio played at 4:19 p.m., ending at 4:19 p.m.)

14 MS. MCBRIDE: I'm pausing at 29 minutes, four seconds.

15 Q BY MS. MCBRIDE: Whose voice are we listening to now, "The  
16 reason" we -- "we're all here"?

17 A Still Ean.

18 Q Okay.

19 (Audio played at 4:19 p.m., ending at 4:21 p.m.)

20 MS. MCBRIDE: Pausing at 30 minutes, 32 seconds.

21 Q BY MS. MCBRIDE: Whose voice did we hear that said, "I  
22 appreciate" --

23 A That's Tam.

24 Q Thank you.

25 MS. MCBRIDE: Resuming.

1 (Audio played at 4:21 p.m., ending at 4:21 p.m.)

2 MS. MCBRIDE: Pausing.

3 Q BY MS. MCBRIDE: There was another thank you -- or -- did  
4 you hear that voice?

5 A I believe that was still Tam.

6 Q Okay.

7 MS. MCBRIDE: Resuming.

8 (Audio played at 4:21 p.m., ending at 4:21 p.m.)

9 MS. MCBRIDE: I'm pausing at 30 minutes, 38 seconds.

10 Q BY MS. MCBRIDE: Someone else had had a question?

11 A Yes.

12 Q Are you familiar with that voice?

13 A Pretty sure that's still Justin.

14 Q Thank you.

15 MS. MCBRIDE: Resuming.

16 (Audio played at 4:21 p.m., ending at 4:22 p.m.)

17 MS. MCBRIDE: I'm pausing at 31 minutes, 12 seconds.

18 Q BY MS. MCBRIDE: Did you hear the voice and the response  
19 to Justin's question?

20 A Yeah.

21 Q And are you familiar with that voice?

22 A Yes. That was --

23 Q Whose voice is it?

24 A That was Scott, our operations manager.

25 Q Okay. And Scott's name?

1 A Scott Underriter.

2 Q Thank you.

3 MS. MCBRIDE: Resuming now at 31 minutes, 12 seconds.

4 (Audio played at 4:22 p.m., ending at 4:23 p.m.)

5 MS. MCBRIDE: At 31 minutes, 21 seconds.

6 Q BY MS. MCBRIDE: I believe a voice changed. Do you -- did  
7 you recognize the voice that came on?

8 A I didn't catch that one.

9 Q Okay.

10 MS. MCBRIDE: Let me go back a few seconds here.

11 (Audio played at 4:23 p.m., ending at 4:24 p.m.)

12 MS. MCBRIDE: I'm pausing at 31 minutes, 28 seconds.

13 Q BY MS. MCBRIDE: There's a voice that came on that said,  
14 "At those" met -- "kind of meetings, you can say". Did you  
15 hear that voice?

16 A Yes.

17 Q And who was that?

18 A That was Justin.

19 Q Thank you.

20 MS. MCBRIDE: And resuming.

21 (Audio played at 4:24 p.m., ending at 4:24 p.m.)

22 MS. MCBRIDE: And I'm pausing at 31 minutes, 34 seconds.

23 Q BY MS. MCBRIDE: A voice came on to say, "Do you mean  
24 before the vote?" Did you hear that voice?

25 A Yes.



1 Q Are you familiar with that voice?

2 A I am. I believe that that's Chelsie Hulka, our associate  
3 manager.

4 Q Okay.

5 MS. MCBRIDE: And I'm resuming.

6 (Audio played at 4:24 p.m., ending at 4:24 p.m.)

7 MS. MCBRIDE: At 31 minutes, 40 seconds, I'm paused.

8 Q BY MS. MCBRIDE: And whose voice are we listening to now?  
9 Tha --

10 A I believe that's Justin again.

11 Q Thank you.

12 (Audio played at 4:25 p.m., ending at 4:25 p.m.)

13 MS. MCBRIDE: There -- I paused at 31 minutes, 46 seconds.

14 Q BY MS. MCBRIDE: Whose voice did we just listen to?

15 A That's Mary Clare again.

16 Q Thank you.

17 (Audio played at 4:25 p.m., ending at 4:26 p.m.)

18 MS. MCBRIDE: Paused at 32 minutes, 48 seconds.

19 Q BY MS. MCBRIDE: There was a voice that came on and said,  
20 "I guess this also goes to"?

21 A Yes.

22 Q Who was that?

23 A That's Justin again.

24 Q Okay.

25 MS. MCBRIDE: And resuming.

1 (Audio played at 4:26 p.m., ending at 4:27 p.m.)

2 MS. MCBRIDE: Paused at 33 minutes, 19 seconds.

3 Q BY MS. MCBRIDE: Whose voice are we listening to  
4 responding to that question?

5 A Mary Clare.

6 Q Thank you.

7 MS. MCBRIDE: And resuming.

8 (Audio played at 4:27 p.m., ending at 4:27 p.m.)

9 MS. MCBRIDE: Paused at 34 minutes, five seconds.

10 Q BY MS. MCBRIDE: There's a voice talking about a division.  
11 Whose voice was that?

12 A That's Justin.

13 Q Thank you.

14 MS. MCBRIDE: And resuming.

15 (Audio played at 4:28 p.m., ending at 4:28 p.m.)

16 MS. MCBRIDE: And at 34 minutes, nine seconds.

17 Q BY MS. MCBRIDE: Whose voice is responding to Justin?

18 A Mary Clare.

19 Q Thank you.

20 (Audio played at 4:28 p.m., ending at 4:28 p.m.)

21 MS. MCBRIDE: All right. Paused at 34 minutes, 32  
22 seconds.

23 Q BY MS. MCBRIDE: I -- I believe someone spoke up to say,  
24 "Bakery". Did you hear that voice?

25 A I did hear it.

1 Q Did you recognize that voice?

2 A It's either Heather or Sarah (phonetic throughout).

3 Q Okay.

4 A It's ver -- like, it's very low. I would have to listen  
5 to it again.

6 MR. DILGER: And I just want to note for the record that's  
7 not in the transcript.

8 MS. MCBRIDE: Okay.

9 JUDGE GIANNOPOULOS: Well, again, the transcript is only a  
10 guide. If -- if it gets submitted, I -- I hear -- I get it.

11 MS. MCBRIDE: Okay. Cool.

12 Moving on. Resuming at 34 minutes, 32 seconds.

13 (Audio played at 4:29 p.m., ending at 4:29 p.m.)

14 MS. MCBRIDE: Okay. I paused at 34 minutes, 39 seconds.

15 Q BY MS. MCBRIDE: The voice that said, "There's more  
16 complexity", were you familiar with that voice?

17 A Yes.

18 Q And who is that?

19 A That's Heather.

20 Q Okay.

21 MS. MCBRIDE: And I will press play again.

22 (Audio played at 4:29 p.m., ending at 4:29 p.m.)

23 MS. MCBRIDE: And that was at 34 minutes, 43 seconds.

24 Q BY MS. MCBRIDE: Are -- are we still listening to Heather?

25 A I think that's Mary Clare.



1 Q Okay.

2 MS. MCBRIDE: Go back just a second to see if we can hear  
3 where that changed.

4 (Audio played at 4:29 p.m., ending at 4:30 p.m.)

5 MS. MCBRIDE: Okay. Paused at 34 minutes, ten seconds.

6 Q BY MS. MCBRIDE: The "Mixology", whose voice is that?

7 A Mary Clare.

8 Q Okay.

9 MS. MCBRIDE: And play.

10 (Audio played at 4:30 p.m., ending at 4:30 p.m.)

11 MS. MCBRIDE: I hit that --sorry. The --

12 (Audio played at 4:31 p.m., ending at 4:31 p.m.)

13 Q BY MS. MCBRIDE: At 34:45, there was a voice that came in  
14 that said, "Just like". Did you hear that voice sort of  
15 interrupting?

16 A Yes.

17 Q And whose voice was that?

18 A That's Heather.

19 Q Okay. And after Heather, whose voice did we hear?

20 A Mary Clare. They're speaking over each other a little  
21 bit.

22 Q Thank you.

23 MS. MCBRIDE: Resuming at 34 minutes, 45 seconds.

24 And pausing at 34 minutes, 52 seconds.

25 Q BY MS. MCBRIDE: We just heard someone say, "I think"



1     again. Whose voice was that?

2     A     I believe it's Tam. I would have to hear a little bit  
3     more of it.

4     Q     Okay. I'm going to keep playing that one.

5     A     Okay.

6     (Audio played at 4:31 p.m., ending at 4:31 p.m.)

7     A     Yes.

8     (Audio played at 4:31 p.m., ending at 4:32 p.m.)

9           MS. MCBRIDE: At 34 minutes, 58 seconds.

10    Q     BY MS. MCBRIDE: Whose voice are hearing discussing  
11    NLRB.gov?

12    A     That's Tam.

13    Q     Thank you. And are you -- to what degree are you certain  
14    that is Tam's speaking?

15    A     A hundred percent.

16    Q     Thank you.

17    (Audio played at 4:32 p.m., ending at 4:32 p.m.)

18           MS. MCBRIDE: I'm pausing at 35 minutes, 14 seconds.

19    Q     BY MS. MCBRIDE: We just heard a voice say, "I'd like to  
20    respond to one thing". Did you hear that?

21    A     Yes.

22    Q     Are you familiar with that voice?

23    A     Yes.

24    Q     Who was that?

25    A     That's Mary Clare.

1 Q Thank you.

2 MS. MCBRIDE: Resuming.

3 (Audio played at 4:32 p.m., ending at 4:35 p.m.)

4 MS. MCBRIDE: I'm pausing at 36 minutes, 39 seconds.

5 Q BY MS. MCBRIDE: To clarify, the voice we were listening  
6 to that said, "A union is not going to change that", whose  
7 voice was that?

8 A Mary Clare.

9 Q Thank you.

10 MS. MCBRIDE: And resuming at 36 minutes, 39 seconds.

11 (Audio played at 4:34 p.m., ending at 4:34 p.m.)

12 MS. MCBRIDE: I'm pausing at 36 minutes, 43 seconds.

13 Q BY MS. MCBRIDE: The voice that came on saying Starbucks  
14 was a billion-dollar company, are you familiar with that voice?

15 A Yes.

16 Q Who is that?

17 A That's Ean.

18 Q And how do you spell Ean's name?

19 A E-A-N.

20 Q Okay. And do you know his last name at all?

21 MR. DILGER: Is it the same Ean?

22 MS. MCBRIDE: Oh, sorry.

23 Q BY MS. MCBRIDE: It's the same Ean as before?

24 A Yeah.

25 MR. DILGER: Same?

1 Q BY MS. MCBRIDE: Thank you.

2 MR. DILGER: We're talking about the same Ean, correct?

3 THE WITNESS: Yes.

4 MS. MCBRIDE: Okay.

5 MR. DILGER: The same Tam?

6 THE WITNESS: Uh-huh.

7 MR. DILGER: Correct? The people that you've identified  
8 once are the same people throughout this recording?

9 THE WITNESS: Absolutely.

10 MS. MCBRIDE: Thank you.

11 MR. DILGER: Okay.

12 MS. MCBRIDE: Okay. And I'm resuming at 36 minutes, 43  
13 seconds.

14 (Audio played at 4:35 p.m., ending at 4:35 p.m.)

15 MS. MCBRIDE: And I'm pausing at 37 minutes, 32 seconds.

16 Q BY MS. MCBRIDE: We just heard a voice responding. Whose  
17 voice was that?

18 A That's MC.

19 Q And that is?

20 A Mary Clare.

21 Q Thank you.

22 A Yeah.

23 (Audio played at 4:36 p.m., ending at 4:36 p.m.)

24 MS. MCBRIDE: I paused at 37 minutes, 46 seconds.

25 Q BY MS. MCBRIDE: "Three years is a long time"; who said

1       that?

2       A       That's Ean.

3       Q       Thank you.

4               MS. MCBRIDE: Resuming.

5       (Audio played at 4:36 p.m., ending at 4:36 p.m.)

6               MS. MCBRIDE: I'm pausing at 37 minutes, 50 seconds.

7       Q       BY MS. MCBRIDE: Who responded?

8       A       Mary Clare.

9       Q       Thank you.

10       (Audio played at 4:36 p.m., ending at 4:36 p.m.)

11              MS. MCBRIDE: At -- pausing at 37 minutes, 57 seconds.

12       Q       BY MS. MCBRIDE: Whose voice is that?

13       A       That's Ean.

14              MS. MCBRIDE: Resuming.

15       (Audio played at 4:36 p.m., ending at 4:37 p.m.)

16              MS. MCBRIDE: I paused at 38 minutes, 38 seconds.

17       Q       BY MS. MCBRIDE: Whose voice are we listening to there  
18       responding?

19       A       Mary Clare.

20              MS. MCBRIDE: Resuming.

21       (Audio played at 4:37 p.m., ending at 4:38 p.m.)

22              MS. MCBRIDE: I paused at 39 minutes, four seconds.

23       Q       BY MS. MCBRIDE: There was a voice that came on saying  
24       that -- that a hand was up. Did you hear that?

25       A       Yes.

1 Q And whose voice was that?

2 A That's Tam.

3 MS. MCBRIDE: Resuming.

4 (Audio played at 4:38 p.m., ending at 4:38 p.m.)

5 MS. MCBRIDE: I paused at 39 minutes, 7 seconds.

6 Q BY MS. MCBRIDE: Whose voice are we listening to?

7 A That's Sarah.

8 Q And this is the same Sarah as before?

9 A Same Sarah.

10 Q Okay.

11 MS. MCBRIDE: And resuming.

12 (Audio played at 4:38 p.m., ending at 4:39 p.m.)

13 MS. MCBRIDE: I paused at 40 minutes, 22 seconds.

14 Q BY MS. MCBRIDE: Whose voice were we listening about the  
15 full-service restaurant?

16 A That's Ean.

17 Q Okay. Same Ean as before?

18 A Same Ean.

19 MS. MCBRIDE: Moving on.

20 (Audio played at 4:39 p.m., ending at 4:40 p.m.)

21 MS. MCBRIDE: I paused at 41 minutes, three seconds.

22 Q BY MS. MCBRIDE: There was a voice that just came on. Did  
23 you hear that voice?

24 A Yes.

25 Q Are you familiar with that voice?

1 A I believe that's Sarah again.

2 Q Okay.

3 MS. MCBRIDE: Resuming.

4 (Audio played at 4:40 p.m., ending at 4:41 p.m.)

5 MS. MCBRIDE: I paused at 41 minutes, 36 seconds.

6 Q BY MS. MCBRIDE: Who was that voice that came on?

7 A That's Ean again.

8 Q Okay.

9 MS. MCBRIDE: Resuming.

10 (Audio played at 4:41 p.m., ending at 4:41 p.m.)

11 Q BY MS. MCBRIDE: And the voice that interrupted Ean?

12 A That's Sarah.

13 Q Okay.

14 MS. MCBRIDE: Resuming.

15 (Audio played at 4:41 p.m., ending at 4:41 p.m.)

16 MS. MCBRIDE: I paused at 41 minutes, 46 seconds.

17 Q BY MS. MCBRIDE: There was a voice that spoke about a

18 paycheck. Did you hear that?

19 A Yes.

20 Q Are you familiar with that voice?

21 A Yes.

22 Q And that was?

23 A That's Mary Clare.

24 Q Thank you.

25 MS. MCBRIDE: Resuming.

1 (Audio played at 4:41 p.m., ending at 4:42 p.m.)

2 Q BY MS. MCBRIDE: And there was a voice that said, "At this  
3 store as well." Whose voice was that?

4 A I believe that was Tam.

5 Q Sorry. There's a little bit of crosstalk.

6 A Yeah.

7 Q Let me back up a little bit.

8 (Audio played at 4:42 p.m., ending at 4:43 p.m.)

9 Q BY MS. MCBRIDE: That voice that came on and said, "Wait,  
10 can we not", who was that?

11 A That's Sarah.

12 Q Okay.

13 MS. MCBRIDE: Sorry, that was 41 minutes, 38 seconds. I'm  
14 resuming.

15 (Audio played at 4:43 p.m., ending at 4:43 p.m.)

16 Q BY MS. MCBRIDE: And the voice at 41:44 that said, "You  
17 get mobile tips; they go to your paycheck"?

18 A Yes.

19 Q Whose voice was that?

20 A Mary Clare.

21 Q Okay.

22 (Audio played at 4:43 p.m., ending at 4:44 p.m.)

23 Q BY MS. MCBRIDE: And at 41 minutes, 50 seconds, the voice  
24 that said, "At core stores, you do"?

25 A Okay. I believe that's Sarah again.



1 Q Okay.

2 MS. MCBRIDE: And resuming.

3 (Audio played at 4:44 p.m., ending at 4:44 p.m.)

4 MS. MCBRIDE: And at 42 minutes, I'm pausing.

5 Q BY MS. MCBRIDE: The voice that said, "Through the app"?

6 A Yes.

7 Q Whose voice was that?

8 A Still Sarah.

9 Q Okay.

10 (Audio played at 4:44 p.m., ending at 4:44 p.m.)

11 Q BY MS. MCBRIDE: At 42 minutes, 17 seconds, there was a  
12 voice that said, "It's not." Did you hear that voice?

13 A Yes.

14 Q And whose voice was that?

15 A I believe that's Mary Clare.

16 Q Okay.

17 MS. MCBRIDE: And resuming.

18 (Audio played at 4:45 p.m., ending at 4:45 p.m.)

19 Q BY MS. MCBRIDE: And the voice that said, "It's been a  
20 while since I've been in a core store"?

21 A Sarah.

22 Q Okay.

23 MS. MCBRIDE: Resuming.

24 (Audio played at 4:45 p.m., ending at 4:45 p.m.)

25 Q BY MS. MCBRIDE: And whose voice is that on the

1 comparison?

2 A Porfirio (phonetic throughout).

3 Q Porfirio. And that's the same Porfirio?

4 A Yes.

5 MS. MCBRIDE: Okay. Resuming.

6 (Audio played at 4:45 p.m., ending at 4:46 p.m.)

7 Q BY MS. MCBRIDE: And whose voice were we just listening  
8 to?

9 A I believe that's Mary Clare in the background.

10 Q In the background?

11 A Yes.

12 Q Okay. And that was at 43 minutes, three seconds.

13 MS. MCBRIDE: And resuming.

14 (Audio played at 4:46 p.m., ending at 4:48 p.m.)

15 MS. MCBRIDE: I paused at 44 minutes, 53 seconds.

16 Q BY MS. MCBRIDE: Did you hear that voice begin asking a  
17 question?

18 A Yes.

19 Q Are you familiar with that voice?

20 A Yes.

21 Q And who is that?

22 A Scott Underriter (phonetic throughout).

23 Q Thank you.

24 (Audio played at 4:48 p.m., ending at 4:48 p.m.)

25 MS. MCBRIDE: I paused at 45 minutes, ten seconds.

1 Q BY MS. MCBRIDE: Whose voice was that, "What's the start  
2 rate right now?"

3 A That was mine.

4 Q Okay.

5 MS. MCBRIDE: Resuming.

6 (Audio played at 4:48 p.m., ending at 4:48 p.m.)

7 Q BY MS. MCBRIDE: And the response, "20.24", whose voice  
8 was that?

9 A Scott Underriter.

10 MS. MCBRIDE: Okay.

11 (Audio played at 4:48 p.m., ending at 4:49 p.m.)

12 MS. MCBRIDE: Paused at 45 minutes, 24 seconds.

13 Q BY MS. MCBRIDE: Whose voice was that about the wage of  
14 the coursework?

15 A Mary Clare.

16 (Audio played at 4:49 p.m., ending at 4:49 p.m.)

17 Q BY MS. MCBRIDE: And at 45 minutes, 28 seconds, "I need to  
18 look at", whose voice was that?

19 A Yes. Scott Underriter.

20 (Audio played at 4:49 p.m., ending at 4:49 p.m.)

21 MS. MCBRIDE: I paused at 45 minutes, 35 seconds.

22 Q BY MS. MCBRIDE: There was a voice, "I was making 12.20."  
23 Who was that?

24 A That was me.

25 Q Okay.

1 (Audio played at 4:49 p.m., ending at 4:49 p.m.)

2 MS. MCBRIDE: Paused at 45 minutes, 44 seconds.

3 Q BY MS. MCBRIDE: "This is not a union question" --

4 A Yes.

5 Q -- whose voice was that?

6 A Sarah.

7 MS. MCBRIDE: Moving on.

8 (Audio played at 4:49 p.m., ending at 4:50 p.m.)

9 Q BY MS. MCBRIDE: That voice that said, "Stuck", whose  
10 voice was that?

11 A That was mine.

12 Q Okay. Moving on. And -- and then after stuck, let me  
13 ask, whose voice did we continue to hear?

14 A I believe that was still Sarah.

15 (Audio played at 4:50 p.m., ending at 4:50 p.m.)

16 MS. MCBRIDE: So I paused at 46 minutes, ten seconds.

17 Q BY MS. MCBRIDE: "If wages are going up", whose voice is  
18 that?

19 A That's Tam.

20 (Audio played at 4:50 p.m., ending at 4:50 p.m.)

21 MS. MCBRIDE: I paused at 46 minutes, 29 seconds.

22 Q BY MS. MCBRIDE: "I can share that, what we saw", whose  
23 voice was that?

24 A Scott.

25 Q Okay.



1 (Audio played at 4:50 p.m., ending at 4:51 p.m.)

2 MS. MCBRIDE: Paused at 47 minutes, nine seconds.

3 Q BY MS. MCBRIDE: "So there was a", whose voice was that?

4 A I believe that was Sarah again.

5 Q Okay.

6 (Audio played at 4:51 p.m., ending at 4:51 p.m.)

7 Q BY MS. MCBRIDE: I paused at 47 minutes, 16 seconds, with,  
8 "Correction"?

9 A Yes. That's --

10 Q Whose voice was that?

11 A That's Tam.

12 Q That's Tam. Okay.

13 (Audio played at 4:52 p.m., ending at 4:52 p.m.)

14 MS. MCBRIDE: I paused at 47 minutes, 26 seconds.

15 Q BY MS. MCBRIDE: Again, who is that voice?

16 A That's Tam, still.

17 Q Okay.

18 (Audio played at 4:52 p.m., ending at 4:53 p.m.)

19 MS. MCBRIDE: Paused at 48 minutes, 28 seconds.

20 Q BY MS. MCBRIDE: Who was that voice that just came on?

21 A That's Heather.

22 Q Okay.

23 (Audio played at 4:53 p.m., ending at 4:55 p.m.)

24 MS. MCBRIDE: I paused at 50 minutes, two seconds.

25 Q BY MS. MCBRIDE: Whose voice was that that we were

1 listening to about not getting that code?

2 A Yes. That was Heather.

3 MS. MCBRIDE: Okay. And resuming.

4 (Audio played at 4:55 p.m., ending at 4:55 p.m.)

5 Q BY MS. MCBRIDE: At 50 minutes, 36 seconds, who was asking  
6 for coffee?

7 A That's Tam.

8 (Audio played at 4:55 p.m., ending at 4:56 p.m.)

9 Q BY MS. MCBRIDE: At 51 minutes, three seconds, whose voice  
10 was that they listened to, "I don't know about anyone else  
11 here"?

12 A I believe that's Justin again.

13 MS. MCBRIDE: Okay.

14 (Audio played at 4:56 p.m., ending at 4:57 p.m.)

15 Q BY MS. MCBRIDE: At 51 minutes, 32 seconds, who is that  
16 said, "They had empathy"?

17 A That's Scott.

18 Q Okay. Same Scott?

19 A Yes.

20 (Audio played at 4:57 p.m., ending at 4:58 p.m.)

21 MS. MCBRIDE: 52 minutes, 58 seconds.

22 Q BY MS. MCBRIDE: There was a voice that said, "It is."  
23 Whose voice was that?

24 A I believe that's Tam.

25 MS. MCBRIDE: Okay.

1 (Audio played at 4:58 p.m., ending at 4:59 p.m.)

2 MR. DILGER: Your Honor, if I could just -- it is now  
3 4:59.

4 JUDGE GIANNAPoulos: Yeah.

5 MR. DILGER: And --

6 JUDGE GIANNAPoulos: What -- where are we on this?

7 MS. MCBRIDE: Your Honor, we're at 53 minutes, 42 seconds.  
8 The file goes for one hour, 30 minutes, and 58 seconds.

9 JUDGE GIANNAPoulos: I -- I would like to try to plod  
10 through, at least to 5:30, and see where -- the building is  
11 still open? The other day, I was concerned. I thought the  
12 guards were going to kick us out.

13 MS. MCBRIDE: Your Honor, the building is still open.  
14 General Counsel is in charge of the key for this room. We can  
15 stay in this room, from a building perspective, as long as we  
16 want this evening.

17 JUDGE GIANNAPoulos: Let's -- let's try to go at least  
18 5:30. Let's see where we are.

19 MS. MCBRIDE: Okay.

20 JUDGE GIANNAPoulos: I would like to at least play this  
21 all through before we take a break. And if everyone can -- if  
22 everyone is able to sustain that, let's do it. If not, give me  
23 a heads up.

24 MR. DILGER: Okay.

25 MS. MCBRIDE: Okay.

1 MR. DILGER: Thank you, Your Honor.

2 JUDGE GIANNAPOULOS: Okay.

3 MS. MCBRIDE: Resuming at 53 minutes, 42 seconds.

4 (Audio played at 5:00 p.m., ending at 5:00 p.m.)

5 MS. MCBRIDE: Pausing at 53:47.

6 Q BY MS. MCBRIDE: "It's been really tough"; whose voice was  
7 that?

8 A That's Heather.

9 (Audio played at 5:00 p.m., ending at 5:01 p.m.)

10 MS. MCBRIDE: Pause at 54:27.

11 Q BY MS. MCBRIDE: Whose voice was that?

12 A That's Justin.

13 MS. MCBRIDE: Okay. Resuming.

14 (Audio played at 5:01 p.m., ending at 5:01 p.m.)

15 MS. MCBRIDE: Pause at 54:43.

16 Q BY MS. MCBRIDE: Who said, "Ultimately"?

17 A Heather.

18 (Audio played at 5:01 p.m., ending at 5:03 p.m.)

19 MS. MCBRIDE: I paused at 56 minutes, 30 seconds.

20 Q BY MS. MCBRIDE: There was an "I'm sorry". Did you hear  
21 that, some cross talk?

22 A Yes. That was Tam talking over Heather for a second.

23 Q Okay. So Tam was the one who said, "I'm sorry"?

24 A I believe. Yeah.

25 Q Okay.



1 A I believe so.

2 Q And then after the "I'm sorry", the person who resumed  
3 speaking was?

4 A Heather.

5 Q Thank you.

6 (Audio played at 5:03 p.m., ending at 5:05 p.m.)

7 MS. MCBRIDE: I paused at 58 minutes, 35 seconds.

8 Q BY MS. MCBRIDE: Someone said, "Maybe I heard it". Did  
9 you hear that voice?

10 A I did. I would have to hear more of it to identify it.

11 MS. MCBRIDE: I'll resume it.

12 (Audio played at 5:06 p.m., ending at 5:06 p.m.)

13 MS. MCBRIDE: At 58 minutes, 44 seconds, I paused.

14 Q BY MS. MCBRIDE: Did you have a chance to hear more of  
15 that voice?

16 A I did.

17 Q Do you recognize that voice?

18 A I believe it's just a barista. I can't pinpoint who  
19 belongs to.

20 MS. MCBRIDE: Okay. And moving forward.

21 (Audio played at 5:06 p.m., ending at 5:06 p.m.)

22 MS. MCBRIDE: And I paused at 58 minutes, 50 seconds.

23 Q BY MS. MCBRIDE: Whose voice are we hearing there in  
24 response you have to get both parties to come to the table?

25 A Yes. That's Heather.

1 MS. MCBRIDE: Okay. Moving on.

2 (Audio played at 5:06 p.m., ending at 5:07 p.m.)

3 MS. MCBRIDE: Paused at 59 minutes, 15 seconds.

4 Q BY MS. MCBRIDE: Who is asking the question, "Can you  
5 negotiate the contract?"

6 A That's Justin.

7 MS. MCBRIDE: Okay. Resuming.

8 (Audio played at 5:07 p.m., ending at 5:07 p.m.)

9 Q BY MS. MCBRIDE: And at 59:19, who said, "Yes,  
10 absolutely"?

11 A Heather.

12 MS. MCBRIDE: Okay. Resuming.

13 (Audio played at 5:07 p.m., ending at 5:07 p.m.)

14 MS. MCBRIDE: And I paused at 59:30.

15 Q BY MS. MCBRIDE: The voice, "I think, also, if you think  
16 about"; who said that?

17 A That's Tam.

18 MS. MCBRIDE: Okay. Resuming.

19 (Audio played at 5:07 p.m., ending at 5:08 p.m.)

20 Q BY MS. MCBRIDE: At 59 minutes, 50 seconds, "Yeah, I mean,  
21 also", that voice, who is that?

22 A Justin.

23 MS. MCBRIDE: Okay. Resuming.

24 (Audio played at 5:08 p.m., ending at 5:09 p.m.)

25 MS. MCBRIDE: Paused at one hour, 28 seconds.

1 Q BY MS. MCBRIDE: And who is that responding?

2 A That's Heather.

3 MS. MCBRIDE: Resuming.

4 (Audio played at 5:09 p.m., ending at 5:09 p.m.)

5 MS. MCBRIDE: I paused at one hour, 52 seconds.

6 Q BY MS. MCBRIDE: "So in this negotiation"; whose voice was  
7 that?

8 A That's Porfirio.

9 MS. MCBRIDE: Resuming.

10 (Audio played at 5:09 p.m., ending at 5:09 p.m.)

11 MS. MCBRIDE: Paused at one hour, one minute.

12 Q BY MS. MCBRIDE: "Lawyers and executives"; whose voice was  
13 that?

14 A Tam.

15 MS. MCBRIDE: Resuming.

16 (Audio played at 5:09 p.m., ending at 5:10 p.m.)

17 Q BY MS. MCBRIDE: And the voice that said, "On the  
18 Starbucks side"?

19 A Porfirio.

20 Q Okay. And then after him?

21 A Tam, again.

22 MS. MCBRIDE: Okay.

23 (Audio played at 5:10 p.m., ending at 5:10 p.m.)

24 MS. MCBRIDE: I paused at one hour, one minute, 11  
25 seconds.

1 Q BY MS. MCBRIDE: "No one who's worked at a Roastery";  
2 whose voice is that?

3 A Heather.

4 MS. MCBRIDE: Okay. Resuming.

5 (Audio played at 5:10 p.m., ending at 5:10 p.m.)

6 MS. MCBRIDE: I paused at one hour, one minute, and 18  
7 seconds.

8 Q BY MS. MCBRIDE: "We will not be in it at all"; whose  
9 voice is that?

10 A Tam.

11 MS. MCBRIDE: Okay. Okay. Resuming.

12 (Audio played at 5:10 p.m., ending at 5:10 p.m.)

13 Q BY MS. MCBRIDE: I realize there was some cross talk. The  
14 voice with, "You'll have a representative", who was that?

15 A Tam, and Heather was in the back saying, "No, no."

16 MS. MCBRIDE: Okay. Resuming at one hour, one minute, 25  
17 seconds.

18 (Audio played at 5:11 p.m., ending at 5:11 p.m.)

19 Q BY MS. MCBRIDE: Just to clarify there because there had  
20 been cross talk before.

21 MS. MCBRIDE: One hour, one minute, 47 seconds.

22 Q BY MS. MCBRIDE: Whose voice were we just listening to?

23 A That was Tam.

24 Q That was Tam. Thank you.

25 MS. MCBRIDE: Resuming.

1 (Audio played at 5:11 p.m., ending at 5:11 p.m.)

2 MS. MCBRIDE: And I paused at one hour, two minutes.

3 Q BY MS. MCBRIDE: Who said, "I don't want to be in the room  
4 when you're buying a car"?

5 A That was Heather.

6 Q Heather. Okay.

7 MS. MCBRIDE: And resuming.

8 (Audio played at 5:11 p.m., ending at 5:12 p.m.)

9 MS. MCBRIDE: Paused at one hour, two minutes, 38.

10 Q BY MS. MCBRIDE: The person who said, "If I'm the retail  
11 manager", who was that?

12 A That's Tam.

13 Q That's Tam speaking.

14 MS. MCBRIDE: Okay. Resuming.

15 (Audio played at 5:12 p.m., ending at 5:13 p.m.)

16 Q BY MS. MCBRIDE: So there's some cross talk there.

17 MS. MCBRIDE: Sorry. We're at one hour, three minutes, 30  
18 seconds.

19 Q BY MS. MCBRIDE: The voice saying, "It's a little over  
20 minimum wage"?

21 A Yes. That's still Tam talking. I believe that was  
22 Heather in the back.

23 MS. MCBRIDE: Okay. And resuming.

24 (Audio played at 5:13 p.m., ending at 5:15 p.m.)

25 MS. MCBRIDE: Paused at an hour, five minutes, eight

1 seconds.

2 Q BY MS. MCBRIDE: The voice that ca -- just came on?

3 A Yes, that's Heather.

4 Q Okay.

5 MS. MCBRIDE: Resuming.

6 (Audio played at 5:15 p.m., ending at 5:15 p.m.)

7 Q BY MS. MCBRIDE: At one hour, five minutes, 21 seconds,  
8 was that -- whose voice was that that we're still hearing?

9 A Heather is still speaking.

10 Q Okay.

11 MS. MCBRIDE: Resuming.

12 (Audio played at 5:16 p.m., ending at 5:16 p.m.)

13 Q BY MS. MCBRIDE: At one hour, five minutes, 40, who is  
14 that voice?

15 A That's Ean.

16 Q Okay.

17 MS. MCBRIDE: Resuming.

18 (Audio played at 5:16 p.m., ending at 5:16 p.m.)

19 Q BY MS. MCBRIDE: At an hour, five, 44, whose voice is that  
20 answering him?

21 A Heather.

22 Q Okay.

23 MS. MCBRIDE: Resuming.

24 (Audio played at 5:16 p.m., ending at 5:16 p.m.)

25 Q BY MS. MCBRIDE: At one hour, five minutes, 52, there's a

1 new voice that came on. Who is that?

2 A That's me.

3 Q Okay.

4 (Audio played at 5:17 p.m., ending at 5:17 p.m.)

5 MS. MCBRIDE: I paused at an hour, six, 18.

6 Q BY MS. MCBRIDE: And whose voice was that, "With my  
7 understanding"

8 A That's Tam.

9 Q Okay.

10 MS. MCBRIDE: Resuming.

11 (Audio played at 5:17 p.m., ending at 5:17 p.m.)

12 Q BY MS. MCBRIDE: There's voice in the background that  
13 says, "Once the contract"; whose voice is that?

14 A That was Scott beginning to talk, and then it was Tam  
15 speaking again, I believe.

16 Q Okay.

17 MS. MCBRIDE: We'll resume.

18 (Audio played at 5:17 p.m., ending at 5:18 p.m.)

19 MS. MCBRIDE: Paused at an hour, seven, 17.

20 Q BY MS. MCBRIDE: "There's a legal contract"; that voice,  
21 who is that?

22 A That's Heather.

23 Q Okay.

24 MS. MCBRIDE: Resuming.

25 (Audio played at 5:18 p.m., ending at 5:18 p.m.)

1 MS. MCBRIDE: I paused at an hour, seven, 23 .

2 Q BY MS. MCBRIDE: "To benefit both sides"; whose voice was  
3 that?

4 A Justin.

5 Q Okay.

6 MS. MCBRIDE: Resuming.

7 (Audio played at 5:19 p.m., ending at 5:19 p.m.)

8 Q BY MS. MCBRIDE: All right. At one hour, seven, 31, "I'm  
9 talking about two different things"; whose voice is that?

10 A Heather.

11 Q Okay.

12 MS. MCBRIDE: Resuming.

13 (Audio played at 5:19 p.m., ending at 5:20 p.m.)

14 MS. MCBRIDE: I paused at an hour, eight, 25.

15 Q BY MS. MCBRIDE: Someone said, "But as I say". Who is  
16 that?

17 A That's Justin.

18 Q Okay.

19 MS. MCBRIDE: I'm resuming.

20 (Audio played at 5:20 p.m., ending at 5:20 p.m.)

21 MS. MCBRIDE: Paused at one hour, eight minutes, 48  
22 seconds.

23 Q BY MS. MCBRIDE: Whose voice did we hear saying, "For  
24 that, all union partners would have to strike"?

25 A That's Heather.



1 Q Okay. And how certain are you of that?

2 A 100 percent.

3 Q Okay.

4 MS. MCBRIDE: And resuming.

5 (Audio played at 5:20 p.m., ending at 5:20 p.m.)

6 MS. MCBRIDE: I paused at an hour, eight, 52.

7 Q BY MS. MCBRIDE: Who said, "There is no opt out"?

8 A That's Tam.

9 Q Okay.

10 MS. MCBRIDE: Resuming.

11 (Audio played at 5:21 p.m., ending at 5:21 p.m.)

12 Q At an hour, nine, 01, who said, "The strike would"?

13 A That's Heather.

14 Q Okay.

15 MS. MCBRIDE: Resuming.

16 (Audio played at 5:21 p.m., ending at 5:21 p.m.)

17 MS. MCBRIDE: Paused at an hour, nine, 06.

18 Q BY MS. MCBRIDE: Who said, "You can choose not to strike"?

19 A That's Ean.

20 Q Okay.

21 MS. MCBRIDE: Resuming.

22 (Audio played at 5:21 p.m., ending at 5:21 p.m.)

23 MS. MCBRIDE: I paused at an hour, nine, 25.

24 Q BY MS. MCBRIDE: Who said, "Just for time's sake"?

25 A That's Tam.

1 Q Okay.

2 MS. MCBRIDE: Resuming.

3 (Audio played at 5:22 p.m., ending at 5:22 p.m.)

4 MS. MCBRIDE: Paused at one hour, nine, 39.

5 Q BY MS. MCBRIDE: Who said, "This was a side question"?

6 A I'd have to listen to a little bit more.

7 Q Okay.

8 MS. MCBRIDE: Here we go.

9 (Audio played at 5:22 p.m., ending at 5:22 p.m.)

10 MS. MCBRIDE: Paused at an hour, ten exactly.

11 Q BY MS. MCBRIDE: Are you familiar with that voice now?

12 A I am. I don't know who it belongs to, but it's the same  
13 voice that I couldn't identify earlier.

14 Q Okay.

15 A I believe it's also just a barista.

16 Q Okay. How certain are you that that voice does not belong  
17 to a manager?

18 A I'd say 95 percent.

19 Q Okay.

20 MS. MCBRIDE: And resuming.

21 (Audio played at 5:23 p.m., ending at 5:23 p.m.)

22 Q BY MS. MCBRIDE: All right. At an hour, ten, 14, who  
23 said, "Schedule is 100 percent"?

24 A That's Heather.

25 Q Okay.

1 MS. MCBRIDE: And resuming.

2 (Audio played at 5:23 p.m., ending at 5:23 p.m.)

3 Q BY MS. MCBRIDE: At an hour, ten, 22, who said, "It's part  
4 of scheduling"?

5 A Mary Clare.

6 Q Okay.

7 MS. MCBRIDE: And resuming.

8 (Audio played at 5:23 p.m., ending at 5:23 p.m.)

9 Q BY MS. MCBRIDE: And at 1:10:27, I believe there was an  
10 interruption. Someone said something about the contract. Did  
11 you hear that interruption?

12 A I believe it was still Mary Clare talking.

13 Q Okay. Let's see.

14 (Audio played at 5:24 p.m., ending at 5:24 p.m.)

15 MS. MCBRIDE: So I paused at 1:10:43.

16 Q BY MS. MCBRIDE: For clarity there, who was talking about  
17 seniority?

18 A That's Tam.

19 Q Okay. And how certain are you?

20 A 100 percent.

21 Q Okay.

22 MS. MCBRIDE: Moving on.

23 (Audio played at 5:24 p.m., ending at 5:24 p.m.)

24 MS. MCBRIDE: Paused at one hour, 11, 01.

25 Q BY MS. MCBRIDE: Whose voice was that saying, "We've

1 evolved" -- "using a system we've evolved to"?

2 A Mary Clare.

3 Q Okay.

4 MS. MCBRIDE: Resuming.

5 (Audio played at 5:24 p.m., ending at 5:25 p.m.)

6 MS. MCBRIDE: Paused at one hour, 11, 32.

7 Q BY MS. MCBRIDE: Whose voice was that?

8 A That's Justin.

9 Q Okay.

10 MS. MCBRIDE: Resuming.

11 (Audio played at 5:25 p.m., ending at 5:25 p.m.)

12 MS. MCBRIDE: I paused at an hour, 11, 58.

13 Q BY MS. MCBRIDE: Who is answering Justin?

14 A Mary Clare.

15 Q Okay.

16 MS. MCBRIDE: Resuming.

17 (Audio played at 5:26 p.m., ending at 5:26 p.m.)

18 MS. MCBRIDE: Paused at an hour, 12, 26.

19 Q BY MS. MCBRIDE: Who was saying, "It's partner  
20 orientated"?

21 A Justin.

22 Q Okay.

23 MS. MCBRIDE: Resuming.

24 (Audio played at 5:26 p.m., ending at 5:26 p.m.)

25 Q BY MS. MCBRIDE: There was some cross talk there with -- I

1 think it's -- who was that last voice that we heard?

2 A I'd have to hear it again. It was Tam and Mary Clare  
3 talking at the same time.

4 Q Okay.

5 MS. MCBRIDE: And at one hour, 12, 37, we'll resume and  
6 see who's talking.

7 (Audio played at 5:27 p.m., ending at 5:27 p.m.)

8 Q BY MS. MCBRIDE: And who is that, "With any union"?

9 A That's Mary Clare.

10 Q Mary Clare. And then there was a voice that was coming in  
11 over her. Who was that?

12 A I believe that's Justin again.

13 (Audio played at 5:27 p.m., ending at 5:27 p.m.)

14 MS. MCBRIDE: Paused at an hour, 13, 15.

15 Q BY MS. MCBRIDE: Do you recognize that voice?

16 A I don't know who it belongs to, but it's not anyone in  
17 management.

18 Q Okay.

19 MS. MCBRIDE: Resuming.

20 (Audio played at 5:28 p.m., ending at 5:28 p.m.)

21 MS. MCBRIDE: Paused at an hour, 13, 33.

22 Q BY MS. MCBRIDE: Who was that responding, saying,  
23 "Everything was legally frozen"?

24 A Heather.

25 Q Okay.

1 MS. MCBRIDE: Resuming.

2 (Audio played at 5:28 p.m., ending at 5:29 p.m.)

3 Q BY MS. MCBRIDE: At an hour, 14, 04, who said, "Unless we  
4 vote, no"?

5 A That's Ean.

6 Q Okay.

7 (Audio played at 5:29 p.m., ending at 5:29 p.m.)

8 Q BY MS. MCBRIDE: Okay. The first voice, "Until the  
9 contract"; who is that?

10 A I would have to hear it again. There was a couple people  
11 talking.

12 Q Okay.

13 JUDGE GIANNOPOULOS: So listen to it and tell us if you  
14 can tell if you can tell who the two people talking are.

15 (Audio played at 5:29 p.m., ending at 5:29 p.m.)

16 Q BY MS. MCBRIDE: And at one hour, 14, 17, who is that  
17 voice that's talking?

18 A That's Mary Clare.

19 Q Okay.

20 (Audio played at 5:29 p.m., ending at 5:30 p.m.)

21 JUDGE GIANNOPOULOS: So stop, General Counsel. I think  
22 she was going to go back --

23 MS. MCBRIDE: I --

24 JUDGE GIANNOPOULOS: -- go back to where there were two  
25 people speaking. One said, "Until the contract ends", and the

1 other person said, I don't -- I -- indefinite voice.

2 MS. MCBRIDE: Okay.

3 (Audio played at 5:30 p.m., ending at 5:30 p.m.)

4 JUDGE GIANNOPOULOS: So we have someone saying that things  
5 are frozen, right? And you identified that voice.

6 THE WITNESS: Yes.

7 JUDGE GIANNOPOULOS: And then there was some cross talk.  
8 Somebody said, "Unless we vote no", and then if we -- anyway.  
9 Get there.

10 While you're doing that, Bruce, let me ask you, what time  
11 do you need to leave?

12 THE COURT REPORTER: I have a 6:15 ferry.

13 JUDGE GIANNOPOULOS: All right. So we'll try to -- we're  
14 almost done, at least with her identifying who spoke. So get  
15 there and let's try to trudge through it. Bruce is going to  
16 make his 6:15 ferry.

17 (Audio played at 5:30 p.m., ending at 5:31 p.m.)

18 JUDGE GIANNOPOULOS: So General Counsel, get back to where  
19 you were.

20 MS. MCBRIDE: Your Honor, I thought we were trying to  
21 identify the cross talk. Forgive me. I'll go forward.

22 JUDGE GIANNOPOULOS: All right. But I --

23 MS. MCBRIDE: That was --

24 JUDGE GIANNOPOULOS: -- but you moved forward. You didn't  
25 go back to where the cross talk was.

1 (Counsel confer)

2 JUDGE GIANNOPOULOS: General Counsel, go to page 57 of  
3 your aid.

4 MS. MCBRIDE: Yes, that's where I'm looking, Your Honor.

5 JUDGE GIANNOPOULOS: All right. Bruce, can you listen  
6 back and see where she last said, we've stopped at a certain  
7 time stamp.

8 THE COURT REPORTER: Give me a second. An hour, 14, 04.

9 JUDGE GIANNOPOULOS: All right. Go back to one hour, 14  
10 minutes, four seconds, and play it.

11 MS. MCBRIDE: Okay.

12 JUDGE GIANNOPOULOS: Let's see where we are.

13 MS. MCBRIDE: Okay. This is one hour, 14 minutes, three  
14 seconds.

15 JUDGE GIANNOPOULOS: Okay. Play it.

16 (Audio played at 5:33 p.m., ending at 5:33 p.m.)

17 Q BY MS. MCBRIDE: And whose voice did we hear there?

18 A That's Ean.

19 Q Okay.

20 (Audio played at 5:33 p.m., ending at 5:33 p.m.)

21 JUDGE GIANNOPOULOS: Stop it.

22 Who was talking? Who was cross talking?

23 THE WITNESS: Indefinitely, that was Heather. And then  
24 Mary Clare was talking in the background.

25 JUDGE GIANNOPOULOS: All right. Now, start playing it



1 again.

2 (Audio played at 5:33 p.m., ending at 5:33 p.m.)

3 JUDGE GIANNOPOULOS: Stop it.

4 Who's speaking now?

5 THE WITNESS: Mary Clare.

6 JUDGE GIANNOPOULOS: All right. Keep playing, and go on,  
7 General Counsel.

8 (Audio played at 5:33 p.m., ending at 5:34 p.m.)

9 Q BY MS. MCBRIDE: At an hour, 15, 15 , who said, "What's  
10 not in that contract"?

11 A That's Heather.

12 Q Okay.

13 (Audio played at 5:34 p.m., ending at 5:34 p.m.)

14 Q BY MS. MCBRIDE: At 1:15:22, someone said, "Going to  
15 change". Whose voice was that?

16 A I'd have to hear it again.

17 JUDGE GIANNOPOULOS: So I want you to keep playing --

18 MS. MCBRIDE: Sorry.

19 JUDGE GIANNOPOULOS: -- I want you to keep playing that  
20 tape until we hear somebody say, I don't think anybody's trying  
21 to reinvent the recipe experience, or something similar to  
22 that.

23 And then you listen, Witness, and tell us if you can  
24 identify the voices that kind of going back and forth. Okay?

25 THE WITNESS: Yes, Your Honor.

1 MS. MCBRIDE: Yes, Your Honor.

2 (Audio played at 5:35 p.m., ending at 5:35 p.m.)

3 JUDGE GIANNOPOULOS: Okay. Stop.

4 Can you tell who those voices were?

5 THE WITNESS: Yes.

6 JUDGE GIANNOPOULOS: Who were they?

7 THE WITNESS: Tam was speaking first. Mary Clare comes in  
8 afterwards.

9 JUDGE GIANNOPOULOS: All right. Keep playing. Where are  
10 we, General Counsel?

11 MS. MCBRIDE: One hour, 15 minutes, 42 seconds.

12 JUDGE GIANNOPOULOS: All right. Keep playing.

13 (Audio played at 5:35 p.m., ending at 5:36 p.m.)

14 JUDGE GIANNOPOULOS: Stop. Where are we?

15 MS. MCBRIDE: One hour, 15 minutes, 51 seconds.

16 JUDGE GIANNOPOULOS: Okay. Who's speaking?

17 THE WITNESS: Mary Clare.

18 JUDGE GIANNOPOULOS: All right. Go ahead. Keep --  
19 General Counsel, take over.

20 (Audio played at 5:36 p.m., ending at 5:36 p.m.)

21 MS. MCBRIDE: Paused at one hour, 16, 12.

22 Q BY MS. MCBRIDE: There was a voice that came in at the  
23 end, "There during negotiations". Who is that?

24 A That's the same barista that I couldn't identify --

25 Q Okay.

1 A -- the past two times.

2 JUDGE GIANNOPOULOS: And then Bruce, how long does it take  
3 you to get to your ferry from here?

4 THE COURT REPORTER: Ten minutes.

5 JUDGE GIANNOPOULOS: All right. Keep playing.

6 (Audio played at 5:36 p.m., ending at 5:36 p.m.)

7 Q BY MS. MCBRIDE: At 1:16:16, "That healthcare and  
8 everything", unnamed -- unknown barista?

9 A Yes.

10 Q And then see if you can identify your response.

11 (Audio played at 5:37 p.m., ending at 5:37 p.m.)

12 Q BY MS. MCBRIDE: At 1:16:20, who is responding?

13 A Mary Clare.

14 Q Okay.

15 MS. MCBRIDE: Resuming.

16 (Audio played at 5:37 p.m., ending at 5:37 p.m.)

17 Q BY MS. MCBRIDE: At an hour, 17, 05, who said, "Five more  
18 minutes"?

19 A Tam.

20 Q Okay.

21 MS. MCBRIDE: Moving on.

22 (Audio played at 5:38 p.m., ending at 5:38 p.m.)

23 Q BY MS. MCBRIDE: At 1:17:12, who said that?

24 A Mary Clare.

25 Q Okay.

1 MS. MCBRIDE: Resuming.

2 (Audio played at 5:38 p.m., ending at 5:39 p.m.)

3 Q BY MS. MCBRIDE: At an hour, 18, 18, who was that voice  
4 that just came in?

5 A That's Justin.

6 Q Okay.

7 MS. MCBRIDE: Resuming.

8 (Audio played at 5:39 p.m., ending at 5:39 p.m.)

9 Q BY MS. MCBRIDE: At 1:18:47, who was that?

10 A Mary Clare.

11 MS. MCBRIDE: Resuming.

12 (Audio played at 5:39 p.m., ending at 5:40 p.m.)

13 Q BY MS. MCBRIDE: At one hour, 18, 01, whose voice is that?

14 A That's me.

15 Q Okay.

16 MS. MCBRIDE: Resuming.

17 (Audio played at 5:40 p.m., ending at 5:40 p.m.)

18 JUDGE GIANNOPOULOS: All right. So General Counsel, stop.

19 MS. MCBRIDE: At --

20 JUDGE GIANNOPOULOS: Where are you stopped at?

21 MS. MCBRIDE: An hour, 19, 12.

22 JUDGE GIANNOPOULOS: All right. Now, play it through  
23 until this cross talk ends.

24 And then you tell us, K.J., who is -- after she stops, who  
25 is involved in all this cross talk.

1 THE WITNESS: Okay.

2 JUDGE GIANNOPOULOS: All right. Listen.

3 (Audio played at 5:40 p.m., ending at 5:40 p.m.)

4 Q BY MS. MCBRIDE: Okay. At --

5 JUDGE GIANNOPOULOS: It's all right.

6 Q BY MS. MCBRIDE: -- an hour, 19, 20, who was that  
7 question?

8 A That's Ean.

9 Q Ean. Okay.

10 MS. MCBRIDE: Resuming.

11 Q BY MS. MCBRIDE: And right before Ean, who was speaking?  
12 Did you identify that voice right before Ean?

13 A I believe it was still Mary Clare.

14 Q Okay. And then we have Ean.

15 MS. MCBRIDE: And now we're resuming.

16 (Audio played at 5:41 p.m., ending at 5:41 p.m.)

17 Q BY MS. MCBRIDE: An hour, 19, 27, "Four hours if it's  
18 person", that was?

19 A That's me.

20 Q Okay.

21 MS. MCBRIDE: Resuming.

22 (Audio played at 5:41 p.m., ending at 5:41 p.m.)

23 (Counsel confer)

24 JUDGE GIANNOPOULOS: All right. Stop it right there. So  
25 who is speaking: if you have time off, you can't vote? I'm

1 paraphrasing.

2 THE WITNESS: Yes. Yeah. That was Ean.

3 JUDGE GIANNOPOULOS: And right before that?

4 THE WITNESS: I believe that was still Mary Clare.

5 JUDGE GIANNOPOULOS: Okay.

6 MS. MCBRIDE: Resuming. We're at 1:19:59 right now.

7 Resuming.

8 (Audio played at 5:42 p.m., ending at 5:42 p.m.)

9 JUDGE GIANNOPOULOS: So is that you?

10 THE WITNESS: Yes.

11 JUDGE GIANNOPOULOS: Okay.

12 MS. MCBRIDE: We're at an hour, 20, ten. Resuming.

13 (Audio played at 5:42 p.m., ending at 5:43 p.m.)

14 Q BY MS. MCBRIDE: At an hour, 20, 50, who was just  
15 speaking? The voice speaking about the New York grocery.

16 A That was Mary Clare.

17 Q And who was she answering?

18 A Justin.

19 Q Okay.

20 MS. MCBRIDE: And resuming.

21 (Audio played at 5:43 p.m., ending at 5:43 p.m.)

22 JUDGE GIANNOPOULOS: All right. Stop right there.

23 MS. MCBRIDE: We're at --

24 JUDGE GIANNOPOULOS: Where are we?

25 MS. MCBRIDE: An hour, 21, 17.

1 JUDGE GIANNOPOULOS: Okay. Who is speaking?

2 THE WITNESS: Mary Clare.

3 JUDGE GIANNOPOULOS: And then before, the person that was  
4 asking about Buffalo?

5 THE WITNESS: That was Justin.

6 JUDGE GIANNOPOULOS: Okay.

7 MS. MCBRIDE: Resuming.

8 (Audio played at 5:44 p.m., ending at 5:44 p.m.)

9 Q BY MS. MCBRIDE: An hour, 21, 30, who is that that came  
10 in?

11 A That's Heather.

12 Q Okay. Resuming.

13 (Audio played at 5:44 p.m., ending at 5:45 p.m.)

14 Q BY MS. MCBRIDE: At an hour, 22, ten, I believe that  
15 speaker was identified as Sarah (phonetic throughout). Did you  
16 recognize that voice?

17 A Yes.

18 Q And the person who called on Sarah?

19 A Tam.

20 MS. MCBRIDE: Okay. Resuming.

21 (Audio played at 5:45 p.m., ending at 5:46 p.m.)

22 Q BY MS. MCBRIDE: Okay. At -- at an hour, 23, 07, the last  
23 voice speaking, "Each individual store"; who was that?

24 A That was Heather.

25 Q Okay. And who was speaking before Heather? Did you

1 identify that voice?

2 A It was Tam and Sarah. There was a little bit of crossover  
3 between them.

4 Q Okay. And now we're back to Heather?

5 A Yes.

6 MS. MCBRIDE: Resuming at an hour, 23, 07.

7 (Audio played at 5:46 p.m., ending at 5:47 p.m.)

8 Q BY MS. MCBRIDE: And at an hour, 23, 53, who was that  
9 speaking?

10 A That was Tam.

11 MS. MCBRIDE: There's a few minutes on the recording.  
12 We're almost done.

13 (Audio played at 5:47 p.m., ending at 5:47 p.m.)

14 Q BY MS. MCBRIDE: At an hour, 24, 21, who was that  
15 speaking?

16 A It was also just a barista. I don't know their first  
17 name.

18 Q Was this Ean)?

19 A No.

20 Q Was this Porfirio (phonetic throughout)?

21 A No.

22 Q Was this --

23 A No one --

24 Q -- Justin (phonetic throughout)?

25 A -- who was mentioned before.



1 Q A new barista?

2 A Yes.

3 MS. MCBRIDE: Okay. Resuming.

4 (Audio played at 5:48 p.m., ending at 5:48 p.m.)

5 Q BY MS. MCBRIDE: At an hour, 24, 31, there was some cross  
6 talk. I believe that was your voice; is --

7 A Yes.

8 Q -- that correct? And who is that other voice?

9 A It was the same voice as before.

10 Q The same unknown barista?

11 A Yes.

12 MS. MCBRIDE: Resuming.

13 (Audio played at 5:48 p.m., ending at 5:49 p.m.)

14 Q BY MS. MCBRIDE: At an hour, 25, 42, who was that just  
15 speaking about the market rate?

16 A Mary Clare.

17 MS. MCBRIDE: Okay. Resuming.

18 (Audio played at 5:49 p.m., ending at 5:51 p.m.)

19 Q BY MS. MCBRIDE: That was an hour, 26, 54. Who was that  
20 voice?

21 A That's Ean.

22 MS. MCBRIDE: Okay.

23 (Audio played at 5:51 p.m., ending at 5:51 p.m.)

24 Q BY MS. MCBRIDE: An hour, 27, 03; who is this responding?

25 A Mary Clare.

1 MS. MCBRIDE: Okay. Resuming.

2 (Audio played at 5:51 p.m., ending at 5:52 p.m.)

3 Q BY MS. MCBRIDE: An hour, 28, 37; who is that exchange  
4 between?

5 A It was between Mary Clare and Ean.

6 MS. MCBRIDE: Resuming.

7 (Audio played at 5:53 p.m., ending at 5:53 p.m.)

8 Q BY MS. MCBRIDE: An hour, 29, 05; who replied to you?

9 A Mary Clare.

10 MS. MCBRIDE: Okay. Resuming.

11 (Audio played at 5:53 p.m., ending at 5:54 p.m.)

12 JUDGE GIANNOPOULOS: And who just said that?

13 THE WITNESS: That was Ean.

14 JUDGE GIANNOPOULOS: All right.

15 Q BY MS. MCBRIDE: Who was that just speaking?

16 A Ean.

17 JUDGE GIANNOPOULOS: She said Ean.

18 MS. MCBRIDE: Oh. Sorry. I didn't hear that. Very last  
19 section here.

20 (Audio played at 5:54 p.m., ending at 5:55 p.m.)

21 Q BY MS. MCBRIDE: Okay. And that last voice, who was that?

22 A That was Tam.

23 Q And immediately before that?

24 A I believe -- I believe that was Mary Clare talking.

25 Q Okay. Mary Clare and then Tam?

1       A       Yes.

2               MS. MCBRIDE:  Thank you.

3               That is the end of that recording.

4               JUDGE GIANNOPOULOS:  All right.  Mr. Dilger, we'll take up  
5 any potential objections you have tomorrow morning.  Quite  
6 honestly, you might listen to it tonight and just -- and read  
7 over the -- the aid and decide in the context and its -- in its  
8 totality the recording actually helps.  You might not have any  
9 objections.  I don't really know.  It's your call, but we'll do  
10 it in the morning.

11              MR. DILGER:  Yeah.  I -- I actually -- I mean, listening  
12 to it, I'll look and do it, and I'll let you know, but I think  
13 the biggest thing for us is -- is probably going to -- to be a  
14 transcript and having the ability for us to create our own  
15 transcript.

16              JUDGE GIANNOPOULOS:  The transcript is -- it -- it's the  
17 recording.  Quite honestly, what happens -- I've had plenty of  
18 cases with recordings -- I just listen to it over and over  
19 again.  I have the ability to slow it down and decide on my own  
20 what the recording says.

21              MR. DILGER:  Understood.

22              JUDGE GIANNOPOULOS:  So --

23              MR. DILGER:  Then I think we would still request the  
24 ability to --

25              JUDGE GIANNOPOULOS:  Absolutely.



1 MR. DILGER: -- get a transcript.

2 JUDGE GIANNOPOULOS: No -- no -- no question, but it's  
3 that --

4 MR. DILGER: Understood.

5 JUDGE GIANNOPOULOS: It's the recording that I go by.  
6 Transcripts -- you can propose your own transcripts. You can  
7 tell me in the brief what you think it says.

8 MR. DILGER: Yeah.

9 JUDGE GIANNOPOULOS: It's just an aid. Let me ask you  
10 this before we do that. Ma'am, you listened to the entire  
11 meeting. Does the recording that we just listened to fairly  
12 and accurately represent what's portrayed on it, meaning what  
13 was said at that meeting?

14 THE WITNESS: Yes, absolutely.

15 JUDGE GIANNOPOULOS: Okay. And you made that on your  
16 iPhone?

17 THE WITNESS: Yes.

18 JUDGE GIANNOPOULOS: And your iPhone was working properly  
19 at the time?

20 THE WITNESS: Yes.

21 JUDGE GIANNOPOULOS: And how did you get the recording  
22 from your iPhone to the -- to the government?

23 THE WITNESS: I just -- they sent me a Dropbox through  
24 email, and I uploaded it to the Dropbox.

25 JUDGE GIANNOPOULOS: Okay. And you listened to it before

1     you emailed it?

2             THE WITNESS:   Yes.

3             JUDGE GIANNOPOULOS:   And it was the same as what we just  
4     heard?

5             THE WITNESS:   Yes.

6             JUDGE GIANNOPOULOS:   All right.   So tomorrow morning,  
7     potential objections.   We're off the record --

8             MS. MCBRIDE:   But --

9             JUDGE GIANNOPOULOS:   -- until 9:00 tomorrow morning.

10            MS. MCBRIDE:   Your Honor, if we may on the record, on --  
11     there is a second recording that we will go through the same  
12     process.   That recording is also on the USB drive.

13            JUDGE GIANNOPOULOS:   Okay.

14            MS. MCBRIDE:   They are A and B.

15            JUDGE GIANNOPOULOS:   We'll do it tomorrow.

16            MS. MCBRIDE:   Thank you.

17            JUDGE GIANNOPOULOS:   All right.   Off the record.

18     **(Whereupon, the hearing in the above-entitled matter was**  
19     **recessed at 5:57 p.m. until Friday, September 16, 2022 at 9:00**  
20     **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 19, Case Number 19-CA-290905, Siren Retail Corp., d/b/a Starbucks and Workers United, affiliated with Service Employees International Union, held at the National Labor Relations Board, Region 19, 2948 Jackson Federal Building, 912 Second Avenue, Seattle, Washington 98174, on September 15, 2022, at 9:02 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



BRUCE CARLSON

Official Reporter